

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 3rd November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.C.I.E., The hon.	Lakshmana Reddi, Mr. G.
Khan Bahadur Sir Mahomed.	Madanagopal Nayudu, Mr. R.
Krishnan Nayar, Kt., The hon. Diwan	Maharaja of Venkatagiri, The.
Bahadur Sir M.	Mahboob Ali Baig Sahib Bahadur.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D.,	Mahmud Schamnad Sahib Bahadur,
I.C.S., The hon. Sir Archibald	Khan Bahadur.
Stokes, C.S.I., C.I.E., I.C.S., The hon.	Manikkavelu Nayakar, Mr. M. A.
Mr H. G.	Moidoo Sahib Bahadur, Khan Baha-
Raja of Bobbili, The hon. the.	dur, T. M.
Rajan, The hon. Mr. P. T.	Moses, Mr. P. C.
Kumaraswami Reddiyar, The hon.	Muhammad Meera Ravuttar Bahadur,
Diwan Bahadur S.	K. P. V. S.
Abdul Hameed Khan Sahib Bahadur.	Muniswami Nayudu, Diwan Bahadur B.
Ahmed Miran Sahib Bahadur, A. M.	Muniswami Pillai, Rao Sahib V. I.
Alamelumangathayaramma, Mrs. K.	Muthiah Chettiayar, Mr. M. A.
Annammal Chettiayar, Mr. S. A. A.	Nachiappa Gounder, Mr. K. A.
Appadurai Pillai, Diwan Bahadur A.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Arasu, Mr. V. T.	Nanjappa Bahadur, Subadar-Major
Basheer Ahmed Sayeed Sahib Bahadur.	S. A.
Basu Dev, Mr. C.	Narasimhaswami, Rao Sahib D. V.
Bayappa Reddi, Mr. P.	Narayanan Nambiyar, Mr. V. P.
Beyabani Sahib Bahadur, S. M. K.	Narayanawami Pillai, Rao Bahadur
Bhanoji Rao, Mr. A. V.	T. M.
Birley, Mr. F.	Natesa Mudaliyar, Rao Bahadur C.
Dharmalingam Pillai, Rao Sahib V.	Palat, Mr. R. M.
Duraiswami Reddiyar, Mr. K. M.	Pannirselvam, Rao Bahadur A. T.
Ellappa Chettiayar, Diwan Bahadur S.	Parthasarathi Ayyangar, Mr. C. R.
Foulkes, Mr. R.	Patnaik Mahasayo, Sriman M. G.
Gopalaswami Ayyangar, Diwan Baha-	Patro, Kt., Rao Bahadur Sir A. P.
dur N.	Pattabhiramayya, Mr. K.
Gopalaswami Mudaliyar, Diwan Baha-	Pattagar of Palayakottai, The.
dur M.	Peddiraju, Mr. P.
Hood, I.C.S., Mr. H. M.	Pocker Sahib Bahadur, B.
Indrayya, Mr. C.	Premayya, Mr. G. R.
Jagannadha Raju, Rao Bahadur G.	Rajagopala Pillai, Mr. P. V.
Jagannatham, Mr. H. M.	Raja of Khallikote, The.
Jayaram Nayudu, Rao Sahib C.	Ramachandra Padayachi, Mr. P. K.
Kesavaramamurti Nayudu, Mr. K.	Ramakrishna Reddi, Mr. A.
Khalif-ul-lah Sahib Bahadur, Khan	Ramalingam Chettiayar, Rao Bahadur
Bahadur P.	T. A.
Kolanda Reddi, Rai Sahib C.	Ramamurti, Rao Sahib Pandit Ganala.
Koti Reddi, Mr. K.	Raman Menon, Mr. K. P.
Krishnayya Choudari, Mr. P. V.	Ramaswami Ayyar, Mr. T. S.
Krishnamurti, Rao Bahadur D.	Ramaswami Mudaliyar, Mr. V. M.
Krishnan, Mr. C.	Ranganatha Mudaliyar, Mr. A.
Krishnaswami Ayyar, Kt., Diwan	Ranganatha Mudaliyar, Mr. G.
Bahadur Sir Alladi	Ranganatha Mudaliyar, Mr. M. D. T.
Kumararaja of Venkatagiri, The.	Rangaswami Reddi, Mr. M. B.
Kuppuswami Choudari, Mr. J.	Ratnasabhapati Mudaliyar, Diwan
Ladden, Mr. W. W.	Bahadur C. S.

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PRESENT—cont.

Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Sesha Reddi, Mr. B. P.
 Shetty, Mr. A. B.
 Sivaraaj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.

Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. Madhusoodanan.
 Thomas, Mr. Daniel.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of Printing Presses

Ban on Labour Organs and Presses in regard to Government advertisements and printing works.

* 302 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government have issued a circular to the Heads of offices not to give any Government printing works and advertisements to Labour Organs and Presses at Madras and Trichinopoly;

(b) if so, what the reason is; and

(c) whether the Government will be pleased to lay on the table a copy of the circular?

A.—(a) & (b) The hon. Member is apparently referring to the Government Order in which the Government have recently revised the list of newspapers and presses in the Madras Presidency to which Government advertisements and printing work should not be given. One Labour organ and two Labour Presses in Madras and Trichinopoly have been included in the revised list as a result of its having been found necessary to demand security from them under the provisions of the Indian Press (Emergency Powers) Act, 1931, on account of objectionable matter published and printed by them.

(c) The Government Order is confidential.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether it is not a fact that the demand of security from one of the labour presses has been withdrawn? ”

The hon. Sir MAHOMED USMAN:—“ I am not sure if it is so.”

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Mr. V. M. RAMASWAMI MUDALIYAR:—" Will the Government be pleased to withdraw the demand for security and reconsider the question of withdrawing the prohibition? "

The hon. Sir MAHOMED USMAN:—" I do not think that the question arises."

Police

Direct recruitment of Assistant Superintendent of Police and Deputy Superintendents of Police since 1928.

* 303 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Home Member be pleased to state—

(a) how many Assistant Superintendents, and how many Deputy Superintendents of Police have been selected in each year from 1928 by way of direct recruitment;

(b) to which community each of them belongs;

(c) on what principles and on what basis the selections have been made;

(d) how many are the sons of Police officials;

(e) how many are the sons of non-officials; and

(f) how many are the sons of present or past officials other than Police officials?

A.—(a), (b), (d), (e) & (f) The information is contained in the annexed statement.^a

(c) Recruitment of Assistant Superintendents of Police is regulated by the Indian Police (Recruitment) Rules, 1927, as subsequently amended and of Deputy Superintendents of Police by the general rules relating to all Provincial Services and the special rules relating to the Madras Police Service. Copies^a of these rules are annexed.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the persons from the southern districts have been given a fair chance for these appointments? "

The hon. Sir MAHOMED USMAN:—" I think so."

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether the hon. the Home Member—he should be congratulated on giving the appointments to the various communities and on applying the communal Government Order so fairly—will take into consideration representation to the various districts also in enforcing the communal Government Order? "

The hon. Sir MAHOMED USMAN:—" I do not think it is possible."

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Administration of Justice

Re-division of Revenue taluks in the Guntur district for purposes of administration of civil justice.

* 304 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the High Court has divided Revenue taluks in Guntur district and placed different divisions under the jurisdiction of different district munsifs' courts;

(b) whether any representations have been made to the Government by the people of that locality about their difficulties arising out of the subdivision of Revenue taluks for jurisdiction of munsifs' courts;

(c) what action has been taken by the Government on the representations;

(d) whether the Government have called for a report on this matter from the present District Judge, Guntur; and

(e) whether the Government will be pleased to lay the information on the table of this House?

A.—(a) The Government have no information. Under section 11 of the Madras Civil Courts Act the local jurisdiction of district munsifs is fixed by the High Court.

(b) No.

(c), (d) & (e) Do not arise.

MR. P. V. KRISHNAYYA CHOUDARI:—"May I ask whether the Government would be prepared to enquire into the difficulties felt in this matter?"

THE hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir, because the matter is entirely within the jurisdiction of the High Court and the Government would not interfere."

Pendency of cases on the file of the honorary bench magistrates' courts in the Madras City.

* 305 Q.—MRS. K. ALAMELUMANGATHAYARAMMA: Will the hon. the Law Member be pleased to state—

(a) the number of cases that are being posted for hearing every Monday in each of the honorary bench magistrates' courts in the Madras City;

(b) how many of those cases are actually disposed of on those days;

(c) how many cases are now pending in each Court; and

(d) whether the Government have any proposal under consideration to increase the number of honorary bench magistrates in those parts of the city where the number of pending cases is now heavy?

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A.—(a), (b) & (c) The Government have no information but have called for it.

(d) In 1931 the Government sanctioned an increase in the number of Honorary Presidency Magistrates in the City of Madras from 100 to 150, as it was represented to them that with 100 Honorary Magistrates it was found difficult to constitute the benches. Since then they have also decided to increase the number of such Magistrates sitting singly to give relief to the stipendiary Magistrates and the question of accommodation for these courts is now engaging their attention. The Government have at present no proposal under consideration to increase the number of Honorary Magistrates in those parts of the city where the number of pending cases is heavy.

Rao Bahadur C. NATESA MUDALIYAR:—"The hon. the Law Member said that the work was heavy; yet he would not increase the number of Magistrates. May I request him to consider the question whether the number should be increased?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It was recently increased from 100 to 150."

Rao Bahadur C. NATESA MUDALIYAR:—"Is the hon. Member aware that the number of cases is heavy?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not too heavy for 150 Magistrates."

Mr. T. S. RAMASWAMI AYYAR:—"May I ask whether any honorarium is paid to these persons?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No."

Mr. ABDUL HAMEED KHAN:—"Will the hon. the Law Member consider the advisability of transferring the court in Georgetown to Washermanpet?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government were trying to find a building at Washermanpet but they were not able to do so."

Rao Bahadur C. NATESA MUDALIYAR:—"Will the hon. Member be pleased to state the qualifications for those Honorary Magistrates?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No special qualifications are prescribed."

Location of the Honorary Bench Magistrates' Court, Washermanpet.

* 306 Q.—MRS. K. ALAMELUMANGATHAYARAMMA: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Honorary Bench Magistrates' Court at Washermanpet is now located in Georgetown; and

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(b) whether the Government have received any complaints about the inconvenience caused to parties and Honorary Magistrates thereby?

A.—(a) Yes.

(b) No.

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether the hon. the Law Member would consider the advisability of having the Honorary Magistrates' Court at Washermanpet instead of at Georgetown? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I have already given my answer to my hon. Friend, Mr. Abdul Hameed Khan, namely, the Government were trying to find a building at Washermanpet, but they were not successful so far."

Mr. YAKUB HASAN:—" Is it not a fact that people from Mylapore have to go to the Egmore Court and, if it is so, will Mylapore have a court at Mylapore itself? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I want notice of the question."

Protest by the Adi-Dravidas in regard to the election of members to the Village Panchayat Court, Vadakku Valliyur.

* 307 Q.—MR. M. DEVADASAN: Will the hon. the Law Member be pleased to state—

(a) whether there was an election of members for the Village Panchayat Court at Vadakku Valliyur in the month of March 1932;

(b) whether members of the Adi-Dravidas stood for election for the Panchayat Court;

(c) if so, how many;

(d) whether they succeeded in the contest;

(e) whether any objection was made to the Sub-Collector, Sermadevi, against the election conducted by the Election Officer;

(f) if so, what the decision of the officer was;

(g) whether any protest was made to the Government against the decision by the Adi-Dravidas;

(h) if so, what action was taken upon the same; and

(i) whether any memorial was addressed to the Government in the matter and whether the Government will be pleased to lay the memorial on the table of the House?

A.—(a) & (b) Yes.

(c) Two.

(d) Their candidature was rejected as they were not qualified under the rules.

(e) One of the candidates filed an objection petition before the Sub-Collector, Sermadevi.

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- (f) The objection was over-ruled by the Sub-Collector.
- (g) A petition from one G. M. David and a memorial from the local Adi-Dravida residents were received alleging that the rejection of the nomination of Shanmugam as a candidate for the election by the election officer was unjust and requesting orders for a fresh election.
- (h) The petitioners were informed that the Government saw no reason to interfere.
- (i) a copy ^a of the memorial received by the Government is laid on the table.

Provision of a post mortem shed in Yedapadi in Salem district.

* 308 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether there is any post mortem shed in Yedapadi in the Salem district;

(b) whether there are proposals to construct any, if there is none there;

(c) if so, at what stage it is and when it is likely to be finished; and

(d) where post mortem is being conducted there now?

A.—(a) to (d) The information has been called for from the District Magistrate.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask whether the information will be made available to this House? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Yes; when I get it. ”

Forests

Government control, if any, over the Waterfalls Association at Courtallam.

* 309 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Law Member be pleased to state whether the Government have any control over the Waterfalls Association at Courtallam?

A.—No; but the advisory committee constituted by the Government exercises control by approving the scale of fees to be levied for the use of bathing sheds and all proposals for the construction of bathing sheds at the Falls, repairs to the pond and bathing platform, etc., are placed before and approved by the Committee.

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Mr. V. T. ARASU:—"Will the hon. Member be pleased to state whether the Government are aware of the recent tragedy at the Courtallam Waterfalls and that several lives were lost?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I saw something about it in the papers."

Mr. V. T. ARASU:—"Will he be pleased to call for a report from the Collector of the district as regards this incident?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my Friend's suggestion."

Prisons and Prisoners

Classification of Mr. K. V. Subba Rao of Salem, a political prisoner.

* 310 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) in which jail Mr. C. Rajagopalachari and Mr. K. V. Subba Rao, both political prisoners of Salem, are kept;

(b) in which class each of them is put; and on whose recommendation;

(c) whether the Government are aware about the position and status of Mr. K. V. Subba Rao;

(d) whether any representations have been received to put Mr. K. V. Subba Rao in a better class than that which was originally assigned to him; and

(e) if so, in what way they have been disposed of?

A.—(a) C. Rajagopalachari and K. V. Subba Rao are in the Central Jail, Coimbatore.

(b), (c), (d) & (e)—

(1) C. Rajagopalachari has been provisionally placed in the 'A' class by the Subdivisional Magistrate, Sankari. The question of the confirmation of the classification is under the consideration of Government.

(2) K. V. Subba Rao was placed in 'C' class by the Subdivisional Magistrate, Sankari. Representations were since made to Government for placing him in a higher class and the Government have issued orders placing him in 'B' class.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether Mr. C. Rajagopalachari was put in 'A' class during his previous convictions?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That is my recollection."

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Mr. ABDUL HAMEED KHAN:—"Will not the Government confirm the order to put him in 'A' class as he was already put in 'A' class when he was previously sentenced?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The order of the Magistrate is that he should be placed in 'A' class and it may be confirmed by the Government."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know when the order placing Mr. K. V. Subba Rao in 'B' class was passed?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is given in the answer."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer to clause (b)—I believe it refers to the classification of Mr. Rajagopalachari—am I to understand that there is the likelihood of his being put in 'A-1' class or 'B' class or 'C' class?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am yet to know that there is such a class as 'A-1' class."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, why Mr. Subba Rao was put in 'C' class originally?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That was according to the discretion of the trying Magistrate; he thought that he deserved only that class."

Mr. K. A. NACHIYAPPA GOUNDER:—"Did he not enquire about Mr. Subba Rao's status?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Court has discretion and it came to that conclusion."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was the discretion exercised properly?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That is the reason why the Government changed him to 'B' class."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Has the Magistrate been told that he should use his discretion properly?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"All the Magistrates know that they should exercise their discretion properly and they do so. Only in some cases the Government differ from them."

Withdrawal of the privileges admissible to Mr. K. Satyanarayana, a 'B' class political prisoner in the Bellary Central Jail.

* 311 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Superintendent cut off the privileges of Mr. K. Satyanarayana, a 'B' class prisoner in the Bellary Central Jail for two months;

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(b) whether any enquiry was made by the Superintendent and whether the prisoner was given any opportunity to put up his case before orders were passed by the Superintendent cutting off his privileges; and

(c) if so, whether a copy of the minutes of the proceedings and the orders thereon will be laid on the table?

A.—(a), (b) & (c) The Government have no information but have called for it.

Provision of separate accommodation for 'C' class political prisoners in jails.

* 312 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether separate cells are reserved for 'C' class political prisoners in jails or whether they are put in cells mingled with criminal convicts;

(b) if separate accommodation is provided for political prisoners in some jails, in which of the jails such accommodation is provided; and

(c) what the reasons are for not providing separate accommodation in other jails?

A.—(a), (b) & (c) The information has been called for.

MR. K. A. NACHIYAPPA GOUNDER:—"Will the information be made available to this House?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I will consider my Friend's suggestion."

Irrigation

The Tungabhadra Project.

* 313 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to make a statement stating the progress made in the investigation and the possibility of the early execution of the Tungabhadra Project?

A.—Revised preliminary estimates for the modified Tungabhadra project have been received from the Chief Engineer for Irrigation. The Special Revenue Officer submitted a preliminary report recently; orders have been issued extending the period of his special duty. The conference with the three Governments concerned, viz., Mysore, Bombay and Hyderabad, which was expected to take place this month, had to be postponed for want of particulars of existing irrigation and of contemplated projects in Mysore and Bombay. It is hoped that it will be possible to convene the conference early next year. After that conference is held and an agreement arrived at on the question

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of the available supplies at the proposed dam site and the sharing of them, the question of making a detailed investigation of the scheme and preparing detailed plans and estimates will be taken up.

S. M. K. BEYABANI SAHIB Bahadur:—" May I know whether portions of the Kurnool and Cuddapah districts will be included in the scheme? "

The hon. Sir ARCHIBALD CAMPBELL:—" I cannot say until the scheme is worked out completely."

S. M. K. BEYABANI SAHIB Bahadur:—" Will the hon. Member be pleased to state whether some portions of the Kurnool and Cuddapah districts will come under the project? "

The hon. Sir ARCHIBALD CAMPBELL:—" The question is under investigation."

The Maranthai channel in the Tinnevely district.

* 314 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state with reference to the Maranthai channel under the Chittar river in the Tinnevely district what progress has taken place since March 1933, in regard to—

(i) the settlement of the question of contribution for improvements; and

(ii) the revision, sanction and execution of the estimates for repairs and improvements?

A.—A revised estimate was forwarded by the Chief Engineer to the Collector and the Board of Revenue on 4th October. It awaits acceptance by the zamindars and inamdars interested in the channel. The scheme cannot be taken up until their consent is obtained and until after a report is received from the Collector and the Board of Revenue and considered by the Government.

Mr. DANIEL THOMAS:—" May I know whether there has been any further progress in this matter? "

The hon. Sir ARCHIBALD CAMPBELL:—" The zamindars and inamdars who are affected, have been asked to give their opinions."

Provision of a permanent structure at the Korambu in Jedar-palayam, Salem district.

* 315 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether the hon. Member has inspected the Korambu at Jedar-palayam in Namakkal taluk of the Salem district recently;

(b) if so, when;

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(c) whether there is any proposal to put up a permanent structure there to divert water into the channel; and

(d) if so, what it is and at what stage it is?

A.—(a) & (b) The answer to clause (a) is in the negative.

(c) & (d) The hon. Member's attention is invited to the answer given to question No. 78 at the meeting of the Legislative Council on 2nd August 1933.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the Government are aware that the temporary structure there, is giving trouble often? "

The hon. Sir ARCHIBALD CAMPBELL:—" I think it is quite likely; probably it has constantly to be repaired, as korambus generally have to be."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the Government have got any proposal to construct a fairly permanent structure there? "

The hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Landlord and Tenant

Motion for the consideration of the Madras Estates Land Act (Amendment) Bill.

* 316 Q.—MR. SAMI VENKATACHALAM CHETTI: Will the hon. the Member for Revenue be pleased to state—

(a) why he refrained from making the motion for the consideration of the Report of the Select Committee on the Madras Estates Land Act (Amendment) Bill on the 30th January last; and

(b) what his present reasons are for bringing forward the same motion now?

A.—(a) The attention of the hon. Member is invited to the speech of the hon. the Member for Revenue at pages 471–472 of the Proceedings of the Legislative Council, dated the 30th January 1933, in connexion with the motion.

(b) The attention of the hon. Member is invited to the speech of the hon. the Revenue Member on the 30th October, when moving that the Bill be taken into consideration.

Public Service

Inadmissibility of acting allowance to permanent lower division clerks acting in the upper division.

* 317 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) why the officiating allowance for a permanent lower division clerk in the Secretariat departments for his duties as upper division clerk has been withdrawn;

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(b) whether it is a fact that lower division and upper division posts are treated as coming under one class for purposes of recruitment;

(c) whether it is a fact that, in the case of an acting clerk, recruited to the lower division and made to do drafting work, the officiating allowance is allowed; and

(d) if so, why a permanent lower division clerk has been debarred from drawing officiating allowance while an acting clerk is given the allowance?

A.—(a) The officiating allowance was disallowed from 1st January 1924 as it was considered by the Government that the duties and responsibilities of an upper division clerk were not so materially different from those of a lower division clerk as to justify its grant under Fundamental Rule 30.

(b) Under the Madras Ministerial Service Rules direct recruitment may be to the upper or the lower division but in practice it is mostly to the lower division.

(c) & (d) Under the General Rules relating to the Subordinate Services an acting clerk in the lower division is, on appointment to the upper division, entitled to the minimum pay in the scale of the upper division clerk, but a permanent clerk in the lower division acting in the upper division is not entitled to increased pay for the reason stated in answer to clause (a) of the question.

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer to clause (d), may I know whether the Government realize that an acting clerk in the lower division who acts in the upper division is entitled to more remuneration than a permanent lower division clerk?"

The hon. Sir ARCHIBALD CAMPBELL:—"The question is under consideration."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether the Government will consider the advisability of promoting a larger percentage of lower division clerks to the upper division?"

The hon. Sir ARCHIBALD CAMPBELL:—"I will consider the suggestion."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know if the Government are aware that better treatment is given to acting clerks in the matter of the higher scale of pay than to permanent persons?"

The hon. Sir ARCHIBALD CAMPBELL:—"If the hon. Member is referring to clauses (c) and (d), I have already said in answer to a previous question that the current anomaly is under consideration."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know how long it will take to come to a conclusion in this matter as it causes much hardship to permanent lower division clerks?"

The hon. Sir ARCHIBALD CAMPBELL:—"I cannot say. My attention has been drawn to it only recently by this question."

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Local Self-Government

Action taken by the Government on the report of the Special Officer appointed to investigate the finances of Local Boards and Municipalities.

* 318 Q.—**Mr. A. B. SHETTY**: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have accepted any of the proposals made by the Special Officer for stabilising the financial position of the district boards and municipal councils; and

(b) whether they are taking any action in the matter?

A.—(a) & (b) The Government have accepted the recommendation of the Special Officer that the levy of tolls on non-motor vehicles should be revived. Necessary legislation to give effect to the recommendation will be undertaken by Government. Orders on the other recommendations of the Special Officer will issue shortly.

Mr. A. B. SHETTY:—"When the Government propose to bring forward this legislation?"

The hon. the **RAJA OF BOBBILI**:—"The date has not been fixed; probably in the next session."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The answer is that the Government have accepted the recommendation of the Special Officer. May I know whether the local boards and municipalities were consulted in regard to the revival of the tolls?"

The hon. the **RAJA OF BOBBILI**:—"They have been consulted; the hon. Member himself knows that."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know why the old system of levying tolls on all vehicles—motor and non-motor—should not be revived and the Motor Vehicles Taxation Act be given up altogether?"

The hon. the **RAJA OF BOBBILI**:—"Such action is not going to bring any additional revenue."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to give us an idea of the amount that the Government anticipate would be realized by the levy of tolls on non-motor vehicles?"

The hon. the **RAJA OF BOBBILI**:—"It is not possible to give an exact estimate without having exact figures as to the number of non-motor vehicles in the districts; it will be about Rs. 30 lakhs."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether the majority of votes are in favour of the introduction of toll on non-motor vehicles or against it?"

The hon. the **RAJA OF BOBBILI**:—"The majority of the municipalities are in favour; the majority of district boards against."

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But I may mention for the information of hon. Members of this House that it is proposed to give the power to such local bodies as wish to levy tolls."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the opinion of local bodies was not in favour of levy of tolls on motor vehicles also?"

The hon. the RAJA OF BOBBILI:—"Some have expressed their opinion on that point but others have not."

Mr. V. T. ARASU:—"Is the hon. Member aware of the strength 11-15 of feeling in the country against the levy of tolls on non-motor a.m. vehicles?"

The hon. the RAJA OF BOBBILI:—"There are differences of opinion, but, as I stated already, it is proposed to leave the matter to the local bodies."

Mr. SAMI VENKATACHALAM CHETTI:—"What is the opinion of the Government, Sir?"

The hon. the RAJA OF BOBBILI:—"The opinion of the Government is that in the present financial difficulties, in order to restore the financial equilibrium of the local bodies, legislation is necessary."

Mr. ABDUL HAMEED KHAN:—"Will the Government make it obligatory on district boards to levy the tolls?"

The hon. the RAJA OF BOBBILI:—"I cannot give a definite reply to that; I will have to consider the point."

Mr. V. T. ARASU:—"Are we to understand that the Government propose to undertake this legislation without any idea as to the number of non-motor vehicles plying on the roads?"

The hon. the RAJA OF BOBBILI:—"They have a rough idea; what I stated was that it is not possible to give the exact figures."

Mr. V. T. ARASU:—"Are the Government aware of the fact that the incidence of the levy of tolls on non-motor vehicles will fall on the agriculturists?"

The hon. the RAJA OF BOBBILI:—"Not in all cases."

Road Development Schemes.

* 319 Q.—Mr. W. W. LADDEN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether in view of the favourable offer made by the hon. Member for Finance of the Government of India at the Road-Rail Conference in April, for the financing of road development schemes by means of loans, the Government were conducting surveys in the Presidency so as to have road schemes ready at hand before the next Road-Rail Conference which it is understood has been convened to consider such schemes;

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(b) if not, why not;

(c) whether they are giving consideration to the subject of co-ordination of means of communication within the Presidency;

(d) if the answer to clause (c) is in the affirmative, how far does the co-ordinative machinery contemplated by them accord with the proposal of the Simla Road Conference for a Provincial Board of Communications;

(e) their attitude towards the scheme of a Central Board of Communications outlined at the Simla Road-Rail Conference; and

(f) what steps they propose to take towards commuting the various taxes on road transport into one Provincial tax?

A.—(a) & (b) The matter is under the consideration of the Government.

(c) Yes.

(d) & (e) The Government have not yet arrived at any definite decision in regard to the Boards of Communications.

(f) They do not propose to take any steps for the present.

Mr. SAMI VENKATACHALAM CHETTI:—" May I know the approximate date by which consideration by the Government would result in any decision? "

The hon. the RAJA OF BOBBILI:—" It is an important question and I am afraid it may not be possible for me to give any exact date. "

Mr. SAMI VENKATACHALAM CHETTI:—" Then what is it that the Government are actually doing now? "

The hon. the RAJA OF BOBBILI:—" They are examining the various proposals. "

Mr. ABDUL HAMEED KHAN:—" Will the hon. Minister kindly state briefly and roughly what are the proposals of the Government? "

The hon. the RAJA OF BOBBILI:—" Some of the proposals are the co-ordination of road and rail traffic, the laying out of new roads connecting the interior parts of districts, etc. "

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I know whether the schemes will be ready before the next meeting of the Road-Rail Conference? "

The hon. the RAJA OF BOBBILI:—" I do not know when the next meeting comes off. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government are not aware that any undertaking of development of roads would give relief to the unemployed in this Presidency? "

The hon. the RAJA OF BOBBILI:—" To some extent it will relieve unemployment, but Government also have to take into consideration the financial implications. "

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MR. YAKUB HASAN:—"Do the Government intend to constitute a Board of Communications?"

The hon. the RAJA OF BOBBILI:—"They are considering the proposal."

Basis underlying the allotment of petrol-tax to the various districts.

* 320 Q.—MR. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state the basis on which the petrol-tax which makes the Road Development Fund is allotted to various districts?

A.—The subventions received by this Government from the Central Road Development Fund are distributed as grants to district boards for such Capital Works on trunk roads as may be approved by the Government of India. The allotment is made with reference to the merits of individual works and not with reference to the districts in which they are carried out.

MR. A. B. SHETTY:—"May I know whether the Government examine the requirements of each district before making allotments from this fund to the different districts?"

The hon. the RAJA OF BOBBILI:—"All the schemes submitted will be duly considered."

MR. A. B. SHETTY:—"May I know whether the Government have considered the desirability of fixing a basis for distributing amounts from this fund to all the districts?"

The hon. the RAJA OF BOBBILI:—"As was stated yesterday, the Government do consider the question of distributing to all districts, according to the urgency of the works."

MR. M. S. SRESHTA:—"Will the Government be pleased to supply a list of the schemes which have been submitted for consideration?"

The hon. the RAJA OF BOBBILI:—"I have no objection to give the information to the hon. Gentleman."

Direct recruitment of District Board Engineers with special reference to communal representation.

* 321 Q.—RAO BAHADUR A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether, with a view to the direct recruitment of District Board Engineers, the Government called for the recommendations from the Madras Services Commission;

(b) whether the Services Commission were asked to have regard to the claims of the various communities in making their recommendations for the purpose;

(c) the names of the persons recommended by the Commission and the communities to which they belong;

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(d) how many of these have so far been appointed as District Board Engineers; and

(e) whether any Indian Christian has been so far directly appointed as District Board Engineer?

4.—(a) Yes.

(b) The rules relating to the District Board Engineering Service provide for the due representation of the various communities so far as suitable candidates are available. The Commission had to make the selection in accordance with the rules.

(c) The Government do not propose to publish the names of the candidates selected by the Commission.

(d) Six.

(e) One Indian Christian candidate has been appointed.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask why the Government will not publish the names of the candidates selected by the Commission? "

The hon. the RAJA OF BOBBILI:—" It is generally considered to be confidential."

Mr. SAMI VENKATACHALAM CHETTI:—" With regard to the answer to clause (e), may I know whether this Indian Christian gentleman appointed directly by the Government was not one of those recommended by the Commission? "

The hon. the RAJA OF BOBBILI:—" Certainly he was one of those recommended."

Mr. M. S. SRESHTA:—" May I know when the recommendation was received from the Madras Services Commission and how many were recommended? "

The hon. the RAJA OF BOBBILI:—" I am afraid I must ask for notice. The recommendation was received about a year or two ago."

Mr. YAKUB HASAN:—" Among the six District Board Engineers appointed, was there a Mussalman? "

The hon. the RAJA OF BOBBILI:—" Yes."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Indian Christian gentleman whose name is in the list of people recommended was one whose services were terminated by the District Board of Coimbatore? "

The hon. the RAJA OF BOBBILI:—" I want notice."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Will the Government be pleased to enquire into the matter? "

The hon. the RAJA OF BOBBILI:—" All the materials available have been placed before the Services Commission, and I do not think any useful purpose will be served by enquiring now."

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Agriculture

Levy of duty by His Exalted Highness the Nizam's Government on rice exported from this Province.

* 322 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that a special duty is levied by the Nizam's Government on rice exported from this province to that State;

(b) whether the Government have taken any steps to negotiate with the Nizam's Government for the removal of this duty; and

(c) what the articles mainly exported from the Hyderabad State to this province are and whether any special duties are levied on them?

A.—(a) Yes.

(b) Yes. The Residency at Hyderabad has been addressed to move the Darbar to get the rate of import duty reduced to the limit of 5 per cent *ad valorem* permissible under the Commercial Treaty of 1802.

(c) Information regarding articles mainly exported from the State into this province is not available. It is understood that no British Indian duty is levied on any article imported from the State into the Presidency.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know what is the rate that the State charges at present?"

The hon. Mr. P. T. RAJAN:—"I have no information."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask why if no duty is levied by the Government on the goods imported from the State, such a duty should be allowed to be levied by the State in respect of rice exported from this Presidency?"

The hon. Mr. P. T. RAJAN:—"I suppose it is in accordance with the terms of the Commercial treaty entered into between the State and the Government of India."

Mr. T. S. RAMASWAMI AYYAR:—"May I know, in view of the fact that the circumstances are changing all the world over, why a treaty of 1802 still stands on the records of the Government without any attempt being made to revise it, especially as it works detrimentally to this Presidency?"

The hon. Mr. P. T. RAJAN:—"The Government of India, I think, should be addressed in the matter."

Mr. SAMI VENKATACHALAM CHETTI:—"Have the Government of Madras no corresponding right to levy duties upon goods imported into this Presidency from the Indian States?"

The hon. Mr. P. T. RAJAN:—"I do not think any Local Government can do it."

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Mr. SAMI VENKATACHALAM CHETTI:—“ At least have not the Government of India a corresponding right in this matter to that enjoyed by a State? ”

The hon. Mr. P. T. RAJAN:—“ I am afraid I cannot give any reply offhand.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know if, in a matter which affects the weal of this Presidency, the Government of India alone should come to the help of this Presidency and if the Government of Madras would not take steps to have the treaty amended or address the Government of India, if necessary? ”

The hon. Mr. P. T. RAJAN:—“ As a matter of fact, from the answer given it will be seen that the Residency in Hyderabad is being addressed on this subject with a view to see whether the duties levied cannot be reduced.”

Mr. T. S. RAMASWAMI AYYAR:—“ My question was with regard to the amendment of the treaty, not with regard to the percentage of duty levied. Cannot the Government of India be addressed, so that there might be equal rights to both the State and this Presidency? ”

The hon. Mr. P. T. RAJAN:—“ Though, as I said, it does not form part of the Local Government's duty, yet the hon. Member's suggestion will be considered.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Why should not the Government of Madras address the Government of India in this matter so that it may take action? ”

The hon. Mr. P. T. RAJAN:—“ That is what I said, Sir; the hon. Member's suggestion will be considered.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Minister would fight for the principle of reciprocity so far as duties are concerned and would move the Government of India in this matter? ”

The hon. Mr. P. T. RAJAN:—“ I do not want any fighting in this matter; but I hope it may be possible to come to an understanding whereby we won't be the losers.”

Mr. YAKUB HASAN:—“ Have the States not the right to levy duty, and is it not also a fact that Provincial Governments do not levy duty on goods received from Indian States or other Provinces? ”

The hon. Mr. P. T. RAJAN:—“ I have no information on that point.”

Co-operative Societies

Land Mortgage Banks in Salem district.

* 323 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) whether there are proposals to start more land mortgage banks in Salem district;

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(b) if so, in which places and when each is likely to be started; and

(c) what the present number is of such banks in the Salem district and in which places they are working?

A.—(a) Yes.

(b) Applications for organizing primary land mortgage banks at Tiruchengode and Dharmapuri have been received. The application for starting a bank at Dharmapuri is under investigation. Soon after this investigation is over, the other application will be taken up.

(c) There is one at Velur.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know why the other application is kept pending, with regard to the starting of a Land Mortgage Bank at Tiruchengodu? ”

The hon. Mr. P. T. RAJAN:—“ Probably they want to dispose of the first application before taking up the second.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, how long the investigation will take? ”

The hon. Mr. P. T. RAJAN:—“ I cannot say it offhand.”

Public Works

Ten per cent cut in the salaries of the Works establishment of the Public Works Department.

* 324 Q.—Mr. G. SIMHACHALAM: Will the hon. the Minister for Public Works be pleased to state—

(a) whether the 10 per cent cut in the pay of Government servants in 1932–33 was made applicable to the members of the works establishment in Public Works Department;

(b) what the reasons were that made the Government retrench the pay of nine coolies or menials, drawing Rs. 12 per mensem;

(c) whether the cut is enforced in all the circles or only in the Bezwada circle; and

(d) whether the cut has been restored since 1st April 1933 and whether in certain divisions the cut was in force beyond April 1933?

A.—(a) Yes. To those whose pay exceeded Rs. 40 per mensem.

(b) Without information as to what coolies or menials are referred to by the hon. Member; Government are unable to answer this question.

(c) & (d) The cut was enforced in all the circles and it must have been restored from 1st April 1933.

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Veterinary

Duties of District Veterinary Officers.

* 325 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) how many veterinary dispensaries and how many touring veterinary officers are there in each district;

(b) whether each district has got a District Veterinary Officer;

(c) what the work and duties are of District Veterinary Officers; and

(d) how many times in a year do they inspect each veterinary dispensary and how many times the work of each touring veterinary officer?

A.—(a) *Veterinary hospitals and dispensaries.*—The attention of the hon. Member is invited to Appendix IV of the Administration Report of the Madras Civil Veterinary Department for the year 1932–33.

Touring veterinary assistant surgeons.—A statement is appended.^a

(b) No. There are only twelve such officers with headquarters and jurisdiction as shown in Appendix II.

(c) & (d) The attention of the hon. Member is invited to paragraph 8 of the Manual of the Madras Civil Veterinary Department which is available in the Legislative Council Library.

Education

Invalidity of elections to District Educational Councils held in advance of the expiry of the term of a member.

* 326 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have recently issued a memo. to all District Educational Councils, intimating that all elections held in advance before the expiry of the term of a member would be invalid; and

(b) what the reasons are that have induced the Government to issue this memo. in the case of the District Educational Councils?

A.—(a) & (b) No such general memorandum has been issued. Two District Educational Councils which raised the question have however been informed on the strength of the Advocate-General's opinion that elections in advance of vacancies are not permissible.

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Mr. A. RANGANATHA MUDALIYAR:—"May I ask what objection there is to the communication of the order issued to those two particular District Educational Councils to all the other Councils also, so that the error may not be repeated?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"These replies were sent to questions put by the two Councils themselves."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether such elections should be considered to be invalid?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is the opinion of the Advocate-General."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know if it is not advisable to issue a general circular to the other District Educational Councils, so that they may not repeat such irregularities?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This follows from the provision in the Act itself and I do not think the Government need circularize an opinion especially in a legal matter like this."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether it is so stated in the order which has been sent to the two Councils?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes, it follows from the provision in the Act."

* Mr. A. RANGANATHA MUDALIYAR:—"May I take it that in case an election is held in advance of the expiry of the term and no reference is made to the Government, the Government are willing to condone the irregularity?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"When an objection comes, it will be considered. Unless the matter is brought to the notice of the Government by a valid petition, I do not think it need be considered."

Mr. ABDUL HAMEED KHAN:—"May I know why the Government does not consider it advisable to send a circular to all Educational Councils that such an opinion has been recently taken from the Advocate-General?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This opinion is neither recent, nor have such cases been so frequent as to necessitate the issue of a circular to all Councils."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the Government will recognize such elections as have been conducted previously?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They have not had occasion to recognize them as valid."

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Admission into the Queen Mary's Collegé during the year 1933.

* 327 Q.—Mr. K. KOTI REDDI: Will the hon. the Minister for Education and Excise be pleased to state with reference to the Queen Mary's College, Madras—

(a) the number of persons including those from the college who applied to join each class and group during the year 1933; and

(b) the number of applicants in each class and group rejected and why?

A.—(a) & (b) The particulars required are given in the statement appended.^a

Rao Bahadur C. NATESA MUDALIYAR:—“May I know why 17 students in the first year class and seven students in the third year class were rejected last year? Is it for want of accommodation?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The reasons mentioned at the foot of the appendix applies to all the classes.”

Mr. V. T. ARASU:—“Is the hon. Member aware of the fact that one of the reasons for the decline in the strength of the college is the bad treatment meted out to the girls by the Principal of the college?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“There is no such information before the Government.”

Mr. V. T. ARASU:—“Is the hon. Member aware of the fact that the girls who are inmates of the hostel are constantly annoyed by burglars and rowdies on the roadside. If so, what steps were taken by the Principal to prevent the same?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The Government have not received any information about the steps taken.”

S. M. K. BEYABANI SAHIB Bahadur:—“May I ask whether any facilities are given to Muslim students who seek admission to this college?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not know what particular facilities the hon. Member wants the Government to give. They have sufficient facilities even now.”

Rao Bahadur C. NATESA MUDALIYAR:—“May I know why students who get low marks are not admitted into this college? Am I to understand that the staff is so bad that they are incapable of coaching up the average students properly? These are girls who have passed the S.S.L.C. and the Intermediate examinations; and when the University allows them to go up, the Government obstructs them from going on with their further studies?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“In all Government colleges, they prescribe a certain percentage of marks for admission.”

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Mr. V. T. ARASU:—"The hon. Minister said that the Government have no information regarding an attempted burglary at the college, and the annoyance caused by rowdies. The report of the Queen Mary's College issued this year states . . ."

The hon. the PRESIDENT:—"Order, order. I want to know how that question arises on this."

Mr. V. T. ARASU:—"The hon. the Minister said that he was not aware of it, Sir . . ."

11-30
a.m

The hon. the PRESIDENT:—"Order, order. That does not give him the occasion to put a supplementary question. On an answer given by the hon. the Minister that he is not aware of any such thing, a supplementary question cannot arise. If he has given an answer that he is aware of a certain thing, then probably a supplementary question might arise to elucidate that."

Mr. SAMI VENKATACHALAM CHETTI:—"May I submit, Sir, that though the hon. Minister gave an answer that he was not aware of it, there is documentary evidence that he is aware of it? Every report relating to this institution is placed before him; and it ought to have come within the official cognizance of the Minister."

Dr. P. SUBBARAYAN:—"May I point out, Sir, that it is part of the Government Order which is incorporated in reviewing the administration reports in the department?"

The hon. the PRESIDENT:—"Has it been reviewed in connexion with admissions?"

Mr. ABDUL HAMEED KHAN:—"Yes, Sir."

Mr. V. T. ARASU:—"May I know, Sir, if the hon. Minister is aware of the G.O. No. 1511, dated the 25th August 1933, wherein it is stated that continual annoyance by rowdies and attempted burglary, etc., have made the northern building uninhabitable?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"But I understood the hon. Member's question to be that by reason of such incidents, students were not coming to the college. There is no such thing mentioned at all in the report."

Mr. V. T. ARASU:—"May I know if he is aware of the fact that this is one of the reasons why girls do not seek admission into the college in such large numbers as they used to do?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware of it, Sir."

Mr. V. T. ARASU:—"Will the hon. Minister make enquiries or ask the Director of Public Instruction to conduct an enquiry into the matter and report to the Government?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not prepared to do it, Sir."

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Rao Bahadur C. NATESA MUDALIYAR:—"May I know, Sir, to what communities and districts these lady students, whose applications for admission were rejected, belong?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that education of women has not advanced to such an extent as to enable the Government to have a high standard prescribed for admission, will the Government consider the advisability of instructing the Principal not to insist upon this very high standard?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall communicate the suggestion to the Director of Public Instruction."

Mr. V. T. ARASU:—"May I know, Sir, what are the causes that have brought about this decline in the number of the students of this college?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It has been explained in the answer. The decline is not so serious as my hon. Friend seems to think. But the causes of the decline such as it exists have been explained in the answer."

Decline in the strength of the Queen Mary's College, Madras.

* 328 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that since 1931 there has been a fall in the strength of the Queen Mary's College; if so, what the reasons therefor are;

(b) whether any representations have been made to the Government by the authority of the college in regard to the limited accommodation for natural science section and the absence of facilities for the B.Sc. course in Natural Science; and

(c) if so, what steps have been taken by the Education Department to afford these facilities in the said college?

A.—(a) The strength of the college in recent years has been as follows:—

March 1931	...	...	...	...	186
March 1932	...	...	...	...	237
March 1933	...	...	...	...	214
July 1933	...	...	...	...	204

The smaller strength in 1933 compared to the previous year was due to a fall in the number of applicants for admission to courses in History and Economics.

(b) & (c) The desirability of providing more accommodation in the Natural Science section of the Intermediate course and of organizing the B.Sc. course in the college was mentioned by the Principal in the report on the working of

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the institution in 1932-33. No action was taken on these suggestions, primarily because an expansion of the facilities for instruction in Science subjects is necessarily expensive; nor can such expansion be considered urgent as no applicant for admission into the Intermediate Natural Science section of the college was rejected in July 1933 for want of accommodation and as students of the college are admitted without difficulty in the B.Sc. (Pass) and B.Sc. (Hons.) courses of the Presidency College.

Mr. V. T. ARASU:—"Will the hon. the Minister tell us whether the decline in the strength of the college from 237 in March 1932 to 204 in July 1933 is due to the fact that the Principal is becoming unpopular with the students?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is not so, Sir. The answer explains the cause of this."

Rao Bahadur C. NATESA MUDALIYAR:—"Is not this college to be kept as an ideal college, being a Government college, to educate lady students? Why should the Government say then that to have a science section would be expensive?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"To provide fresh accommodation would certainly be expensive. You may say it is desirable to have this additional accommodation, but it is expensive."

Mr. YAKUB HASAN:—"The hon. the Minister said that there is a certain percentage of marks fixed for admission to Government colleges. Will the hon. Minister ask the Director of Public Instruction to relax that rule in the case of women students?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I told Mr. Hameed Khan that I would communicate this suggestion to the Director of Public Instruction for such action as he deems fit."

Rao Bahadur C. NATESA MUDALIYAR:—"It is stated that these lady students can get admission into the Presidency College. Am I to understand that the orthodox Hindus and Muslims should go to the Presidency College and study side by side with boy students?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"In the absence of any accommodation in the Queen Mary's College, they have to do only that."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether the hon. Minister for Education wants the Muslim and other orthodox Hindu lady students not to go in for studies in B.Sc. courses?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not asking them to give up studying for the B.Sc. course, nor are the Government going to compel them to go to the Presidency College. If they are really keen about it, they may go there and study."

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* Mr. A. RANGANATHA MUDALIYAR:—" Arising out of the answer of the hon. Minister that lady students might sit side by side with boys and young men, might not orders be issued that the lady pupils should be provided separate accommodation in the classes in the Presidency College? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I want notice of that. I do not know exactly what the position is."

Industries

Sale of the Government Ink Factory.

* 329 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the equipment for the manufacture of printing inks, and the recipe connected therewith, have been sold by the Government;

(b) if so, to whom, when and at what price;

(c) whether the intended sale was duly advertised in the papers and in the Gazette, and tenders called for either by the Government or the Director of Industries; and

(d) if not, why was this procedure dispensed with?

A.—(a) Yes.

(b) In May 1933, the Government permitted the Director of Industries to accept the offer of one Mr. B. K. S. Choudari for the purchase of the entire assets for Rs. 5,000.

(c) Yes; by the issue of a Press Communiqué, dated 4th June 1932.

(d) Does not arise.

Mr. T. S. RAMASWAMI AYYAR:—" May I know what the loss to the Government is by this transaction? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If it is in capital value, I want notice."

Mr. K. P. RAMAN MENON:—" Was this sale well advertised? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It was. The Press Communiqué was published in the Gazette and in the newspapers."

Mr. K. P. RAMAN MENON:—" How long after that publication was the sale held? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

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Mr. T. S. RAMASWAMI AYYAR:—" May I know, Sir, from the hon. Minister whether the sale was advertised in papers other than those in the Presidency? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Mr. A. RANGANATHA MUDALIYAR:—" What was the last date fixed in the Press Communiqué for the receipt of tenders? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I want notice of the question."

Mr. M. S. SRESHTA:—" Is there no procedure fixed for the calling of tenders? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no special procedure as far as I know except the usual one."

Mr. M. S. SRESHTA:—" Will the hon. the Minister consider the desirability of adopting a regular procedure for calling for tenders and fixing a date within which the tenders will be received? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" In all transactions of Government, I think this procedure is adopted."

Mr. M. S. SRESHTA:—" In the transactions connected with this department, sealed tenders should be called for and they should be received only up to a particular date. That is the usual procedure, I believe. Will the hon. Minister consider the desirability of adopting the same procedure here? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The usual procedure was adopted here also."

Mr. M. S. SRESHTA:—" Will the hon. Minister kindly make an enquiry into the matter? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No enquiry at this stage will be of any use, I think."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, Sir, how many tenders were received in all? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. T. S. RAMASWAMI AYYAR:—" Will the hon. Minister let us know why it should have taken as long a period as nearly a year for the Government to accept the offer, after the issue of the Press Communiqué? The answer (c) says that the Press Communiqué was dated the 4th June 1932, whereas (b) shows that the offer was accepted in May 1933."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir."

Mr. T. S. RAMASWAMI AYYAR:—" Did the Government feel that they should have got a better offer and were not prepared to accept this offer of Rs. 5,000? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I say I cannot give the reason for the delay without notice."

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Mr. A. RANGANATHA MUDALIYAR:—" May I know, Sir, why, for nearly a year after the Government called for tenders, they did not pass orders on the tenders received? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have already said that I would like to have notice."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know from the hon. Minister whether the matter of calling for tenders has been published in the newspapers? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I said that it was."

Mr. V. T. ARASU:—" What are the newspapers in which the sale was advertised? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

UNSTARRED QUESTION

Irrigation

Plans and estimates for the restoration of the Panjantangi tank, Srivilliputtur taluk.

330 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the estimate for the restoration of the Panjantangi tank, Elundrakondon, Srivilliputtur taluk, has been sent to, and sanctioned by the Superintending Engineer, Trichinopoly; and

(b) if not, why not?

A.—Plans and an estimate amounting to Rs. 1,730 were submitted to the Superintending Engineer, but in March last he returned them to the Executive Engineer for the submission of certain particulars. The Superintending Engineer reported that he would himself deal with them as they were within his powers of sanction. The Government have no further information.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ELECTION TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the PRESIDENT:—" I have to announce that as a result of the election held on 1st November 1933 the following hon. Members have been declared duly elected to the Senate of the Andhra University:—

(1) Mr. P. V. Krishnayya Choudari, (2) Mr. C. Indriah, (3) Sriman M. G. Patnaik Mahasayo, (4) Mr. A. Ranganatha Mudaliyar, and (5) Mr. K. Kesava Ramamurti.

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III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 of 1931).

Clause 2 (4).

Section 3 (5).

The hon. the PRESIDENT:—"The discussion on Amendment No. 16, viz., for the words 'subsequent to the 13th day of July 1802,' *substitute* the words 'subsequent to the 1st day of July 1932' will continue."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, after some consultation among certain hon. Members, we have agreed that this amendment should be withdrawn and that in its place we should pass an amendment omitting the whole explanation."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg leave to withdraw my amendment, Sir."

The amendment was, by leave, withdrawn.

The hon. Sir ARCHIBALD CAMPBELL:—"With your permission, Sir, I move—

'that sub-clause (4) of clause 2 be omitted.'"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

The amendment was put and carried.

Clause 2 (5).

Section 3 (5-A).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move, Sir—

'that clause 2, sub-clause (5), be omitted.'"

"Sir, this affects lankas in the Godavari, Kistna and other rivers. The whole sub-clause proceeds on the supposition that in the Act as it now stands lankas are not included and therefore a special provision must be made for lankas. In the Bill as introduced by the Government, we find the following statement:—

'There is no specific provision in the Act regarding lanka lands. It is doubtful whether in all cases they would fall under the head of "old waste." The amendment now proposed brings the law into accord with actual practice. There are permanent lanka lands which are in no way distinguishable from ryoti lands, as they have been held by the same ryots for years on the same rent. In many, if not, in the majority of cases, the occupancy right of such ryots has been recognized by the landholders. There are also lanka lands liable to material changes from a flood in which no right of occupancy had hitherto been claimed or allowed. Lands of the latter description are always leased by auction for a term of years and resumed by the landholder at the end of the term. It is considered desirable that legislation should respect custom in this matter and provide that no occupancy right should be annexed to lands that are "lankas proper," that is, lankas liable to a change.'

"These are the reasons which the Government have given for bringing in amendments with regard to lankas specifically. But I find, Sir, on a reference to the proceedings of the Legislative Council in 1908 that this specific question was raised by the hon. Mr. Sarma who moved an amendment that lankas should not be allowed to come

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into the Act immediately but that the Government should take power to extend the provisions of the Act to lankas as and from time to time they may think necessary. He advanced practically the same arguments as are now urged by the Government in support of their Bill. Before I read what happened then, I wish to state that lankas are lands which are fit for cultivation and therefore will come under the definition of ryoti land under the Act. If nothing else exists in the way of conditions, etc., then lanka land should be as good a ryoti land as any others. If the amendments in the Bill are accepted, the effect of them will be that lanka lands, though cultivable and ryoti, will be excluded from the operation of this Act, and they are to come under the operation of this Act only when they are brought in again by notification by the Collector. I oppose the introduction of this clause on the ground that the occupancy rights which now belong to the ryots who are cultivating lanka lands should not be taken away but should be continued and that this amendment is unnecessary and uncalled for.

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a.m.

"The amendment was moved, as I said, Sir, by the hon. Mr. B. N. Sarma, who stated, that after the word 'Wynaad' be inserted the words 'the Agency tracts in the districts of Ganjam, Vizagapatam and Godavari included in the Scheduled Districts Act XIV of 1874, and the lanka lands in the beds of rivers and streams.' He says: 'I do not ask for a total exemption from the operation of this Act of the Agency tracts and lanka lands referred to in my amendment, but I plead for a temporary exemption on several grounds.' Then he says: 'With regard to lanka lands, which are proposed to be temporarily exempted from this Act, the Government seems to have been treating the lanka lands in the Godavari delta in a way different from the way in which ryotwari lands are dealt with; and the Standing Order (page 27) directs that a special lease may be taken in the case of lanka lands in the Godavari river. Here, I do not want a total exemption of lanka lands from the operation of the Act. There are lankas and lankas. There are lankas where the ryots have settled for a number of years, and where they have the right to sell them and enjoy all the benefits of the soil. But other lankas might have been of recent origin and lankas may hereafter arise. It may be to the interest of landholders to lease out these lankas, while they are in the course of formation at low rental and there is no particular reason why, when the land is enriched by fluvial deposits, the zamindars should not be allowed to reap larger profits.' Then he says: 'There is no particular hardship involved by the amendment that is proposed, because lankas do not form the ryoti lands proper in which ryots have had rights from time immemorial. For these reasons I beg to propose the amendment.' On these remarks, the hon. Mr. G. S. Forbes on behalf of the Government of the day replied:

"I must confess that I do not understand from the hon. Mover's proposition why the lanka lands should be excepted. No clear reason has been given why they should be excepted more than any other lands. I see no sufficient reason to accept the proposition."

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Then the hon. Mr. Sarma explained that the lankas are shifting in their character. To that the hon. Mr. H. G. Stokes replied:

‘From what the hon. Member says, I understand the position to be this. The lanka is formed, the ryot settles upon and improves it; but he is not to be allowed to get the benefit of his improvement; he is to be put outside, in order that the landlord may, at a subsequent period, steal his improvement. I cannot accept that position.’

Then the hon. Mr. J. N. Atkinson said:

‘The very reason that the hon. Member gives for excluding these lankas from the operation of this Act is the very one that should induce us to include them. He says that lankas are constantly changing here to-day and there to-morrow. What he contemplates is that the Government should enquire where the lankas appear, and issue a notification extending the Act to them; but before the issue of the notification the lankas will have disappeared. It is better to allow the Act to come into force in the case of all lankas without there being any necessity for enquiry. It may be, as the hon. Member said, that some of these lankas are permanent. If they are washed away in one flood season, they reappear in another. I cannot see what there is anything peculiar in lankas that should make them liable to be extended from the operation of this Act. The hon. Member further referred to the tenure or rather the treatment of Government lankas, but I do not quite follow the remarks. The only special treatment that I remember the Government accords to its lankas or rather the special tenure it gives them or the special mode in which it regards them is that the High Court, in one decision, laid down that the tenure under which the cultivators own lands in lankas is not ryotwari; but that was due to a purely technical reason that the Government always leases out its lands at an auction and does not assign them on ryotwari pattas. That is the only peculiarity in the treatment of Government lankas. I do not see how that affects the question whether zamindari lankas should be included in the operation of the Act or not.’

Ultimately, the amendment was lost. It will therefore be found that in 1908, Government took the view that lankas do form ryoti lands, that occupancy rights are there and that there is no need to exempt them or to bring them under notification. The analogy of Government lankas was also not accepted. I understand Sir, in one case which arose from South Vallur, the High Court has confirmed the decision of the lower court that occupancy rights vest in the tenant. I, therefore think, Sir, that there is no necessity to change the Act, exclude lankas and then take power by the backdoor to reintroduce them as ryoti lands for occupancy rights being formed. The provisions so far as lankas are concerned, provide for lankas being brought in by notification of the Collector, and subsequently occupancy rights are conferred. All this procedure is absolutely unnecessary and there is no reason why the ryot already engaged in cultivation and in continued possession should be disturbed. For these reasons, this provision relating to the lankas may be deleted.”

Mr. V. P. NARAYANAN NAMBIYAR:—“I second it.”

* Rao Bahadur Sir A. P. PATRO:—“Mr. President, Sir, I think there is every justification for the omission of this clause, as it is the clause that introduces a great deal of complication without any corresponding benefit to the ryot and much less to the landholder. The position as it is now without this amendment is that the tenant has got the remedy to get a declaration if he has been long in possession. The landlord similarly will be able to obtain relief in the civil court.

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Now, by a stroke of the pen whether there are rights to the cultivating tenant or not, you are declaring all lands as ryoti lands, and you are introducing a new principle in respect of people who are already in possession or occupation or enjoyment of the land. Therefore, to avoid all these complications and much more the bitterness that will be created by this amendment, I would venture to submit to this House that it would be wise and prudent that this clause may be omitted altogether in relation to the lanka lands."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, Sir Patro, I believe, was rather very delicately speaking upon this subject. I think the object of the Mover was to avoid confusion that will come in, if the Government amendment should be carried, by throwing a doubt on the character of those lanka lands. That is the amendment moved by Mr. Muniswami Nayudu. Our intention is that by the amendment moved by Mr. Muniswami Nayudu, namely, to omit all the definitions moved by Government in regard to lanka lands they should be presumed to be ryoti land or, at any rate, should have the same character as the land to which they are an accretion. But speaking on this, Sir Patro makes it appear quite differently. I am sure speeches will have no bearing when the interpretation section is taken into consideration except by saying that the lands should be assumed to be ryoti lands or lands of the same character as the original land to which they are an accretion."

* Mr. P. PÉDDIRAJU:—"Mr. President, Sir, I want to intervene with regard to this motion because I find that the introduction of this word 'lanka' newly in the Act will complicate matters. I agree with Mr. Muniswami Nayudu in asking the House to omit the definition of 'lankas.' Having come from a district in which there are many lankas, I want to tell the House that there are two kinds of lankas generally in the rivers. Most of the lankas are those in which tenants have got occupancy rights already. There are some lankas which are recently formed now and then, which are let out at high rents. It is not considered as old waste or as private land, and the rent will be two hundred or three hundred per acre. Now, the definition will drive many of these people connected with lankas to court. It is better that the definition is removed altogether."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, the hon. Mover quoted from the proceedings of the second reading of the Estates Land Act of 1908. The proposal of Mr. Sarma was that lankas should be excluded entirely from the purview of the Act. That is, of course, the proposal made now in the amendment of the Select Committee Bill. The Committee proposed to treat lankas separately in a different manner from those of other lands until it is proved to the satisfaction of the Collector that they are permanent and until he gives a declaration to that effect. This proposal was, as hon. Members will see, made in Mr. K. Srinivasa Ayyangar's Bill and introduced in all subsequent Bills including the one now before the House. I understand from the

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speeches which have been made that the present proposals in this Bill do not satisfy the parties concerned. I think that it would probably be better therefore to leave these proposals out altogether and, if necessary, the matter may be further considered at a later date. I therefore accept the proposed amendment."

The amendment was put and carried.

Clause 2 (5) and (6).

* Mr. V. T. ARASU:—"I move—

'that in clause 2, sub-clauses (5) and (6), omit the definition of lanka and all subsequent references to lanka.'

"This amendment is only an improvement on the one which has just been adopted by this House. It states that not only that clause 5 should be omitted, but also adds that all other references in subsequent clauses to lankas may be also omitted. If I have understood the hon. the Revenue Member aright, that is also the attitude of the Government. I, therefore, suggest, Sir, that this clause may be taken up after we dispose of the other clauses of the Bill. I formally move this amendment."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

* The hon. the PRESIDENT:—"Does the hon. Member mean that the discussion of this clause should be taken up separately later on? I am not able to follow the hon. Member."

* Mr. V. T. ARASU:—"I am simply putting forward a suggestion to the hon. the Revenue Member that the consideration may be taken up later."

* The hon. Sir ARCHIBALD CAMPBELL:—"I have accepted the proposal for dropping all provisions."

* The hon. the PRESIDENT:—"The hon. Member need not move it now. He can do so later on."

Mr. SAMI VENKATACHALAM CHETTI:—"This is given effect to by the previous amendment. Consequently, everything connected with it will be omitted."

* The hon. the PRESIDENT:—"So I have to take it that the hon. Member does not move it."

Clause 2 (6).

* The KUMARARAJA OF VENKATAGIRI:—"Sir, I move the amendment which has been given notice of on behalf of the Justice Party, noon. viz.—

'Omit sub-clause (ii) of clause (7) in section 3.'

"It deals with the definition of 'old waste.' It is unnecessary for me to indent upon the valuable time of the House by dealing with this subject in any detail. It will be sufficient for me to say that this

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will be one of the points on which the zamindars are willing to concede as much as possible. Whether that concession is a substantial one or not, it is not my purpose to deal with that aspect of the question. I hope it will be recognized that on questions where the landholders feel that the tenants have got legitimate grievances they will make all concessions which will not affect the vital interests or which would lead to the crippling of their resources, to the extent the duty they owe to the zamindari class to which they belong permits them. They are prepared to go to the extent stated by the hon. Raja Sahib of Bobbili in his speech in August last, when he suggested that the whole question may be referred to the conference. This is one of the clauses which the Raja Sahib had in his mind. I am very happy that it should fall to my lot, on behalf of the Justice Party, to move this amendment, and I am glad that it has the support of other groups in this House."

Mr. M. A. MUTHIAH CHETTIYAR:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, though I gave notice of a similar motion, I did not move it because the effect of my motion being accepted will be that the proposed clause will go. The result is that the original section will remain. The object of the hon. Mover of this amendment is that the definition of 'old waste' should go, that there should be no separate definition of 'old waste' apart from 'ryoti land' and that all amendments regarding 'old waste' should be omitted. The present amendment omits only the latter portion with the result that what remains will be the first portion alone. It is open to the Government to give effect to the intention of this House by moving a suitable amendment so that the original definition of 'old waste' may be removed. I therefore support the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, on behalf of the Government, I am prepared to accept the amendment proposed by the Kumararaja of Venkatagiri. As regards the remarks made by my hon. Friend, Mr. Muniswami Nayudu, I may explain that the effect of this amendment, as he stated, is to leave the first portion of the definition of 'old waste.' At the third reading stage, we are permitted to make the consequential amendments as a result of the amendments passed in the second reading. We have not in the second reading deleted the definition of 'lanka,' but we shall be able to delete the whole of the definition of 'old waste' as a consequential amendment in the third reading."

Mr. P. PEDDIRAJU:—"May I suggest, Sir, that instead of this amendment, an amendment to omit clause (7) may be moved?"

* The hon. the PRESIDENT:—"I will put the amendment to the vote of the House. The question is:

'Omit sub-clause (ii) of clause (7) in section 3.'"

The amendment was carried.

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Clause 2 (7).

* The hon. Sir ARCHIBALD CAMPBELL:—" Sir, I do not propose to move amendment No. 22-A on the paper. I am prepared to move the deletion of clause (7) of section 3 of the Act."

* The hon. the PRESIDENT:—" The hon. Member may move his amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, with your permission, I beg to move the following amendment, which has been agreed to by all the parties in the House—

*' For the existing clause (6) substitute the following:—
" Clause (7) shall be omitted " . ' "*

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

Clause 2 (7) (b).

* Diwan Bahadur A. APPADURAI PILLAI:—" Mr. President, Sir, I beg to move—

' Omit the letter and brackets (a), the word " and " occurring at the end of sub-clause (a) and sub-clause (b) of clause 10 of section 3. ' "

" This amendment relates to the definition of ' private land. ' "

" My reason for proposing this amendment is this: Yesterday, in regard to inams, the House decided that inams should be treated as estates, regardless of the fact whether melvaram interest alone, or both the melvaram and kudivaram interests vested in inamdars.

" The effect of that amendment is the position of an inamdar has been brought on a level with that of the other landholders. In view of this change, it seems unnecessary to perpetuate the difference between an inamdar holding both melvaram and kudivaram interest and one not holding kudivaram interest.

" Sir, the sub-clause may at first sight seem harmless, since the reference given in the margin of the draft shows that it is based on the exception to section 8 of the Act. With reference to this I would point out what the section says:

' Notwithstanding anything contained in this section, where before or after the commencement of this Act the kudivaram interest in any land comprised within an estate falling within clause (d) of sub-section (2) of section 3 has been or is acquired by an inamdar such land shall cease to be part of the estate. ' "

" While embodying this portion in sub-clause (b), the draft has gone far beyond the intention of that exception by introducing a proviso relating to the acquisition of such kudivaram interest by surrender, abandonment or sale for arrears and cultivation for a period of twelve years. All this would not avail in view of the amendment defining all inams as estates.

[Mr. A. Appadurai Pillai]

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“ In the clause (b) under consideration the difference between the kudivaramdar and melvaramdar has been maintained unimpaired in spite of the fact that we have decided to do away with the difference between an inamdar holding these rights and one not holding such rights. If this position is conceded, there is no place for this clause.

“ There is no reason why an inamdar should be considered in any way different from other landholders. Under sub-clause (a) all land which is proved to have been cultivated by the landholder by his own servants or by hired labour with his own or hired stock, for a continuous period of twelve years immediately *before* the commencement of this Act becomes ‘ private land,’ whereas in the case of an inamdar a different treatment is proposed to be accorded. They are allowed continuous cultivation for a period of twelve years since the acquisition of the land. That makes a deal of difference. In fact it is now sought to maintain by this sub-clause the differential treatment accorded to the inamdars by the definition of ‘ estate ’ which was got rid of by the House yesterday.

“ Sir, the word ‘ landholder ’ has got to be defined in a single manner for the benefit of the public at large. In the Proprietary Estates Village Service Act an estate is defined as a permanently settled estate, a portion of such permanently settled estate, an inam village, etc., and a proprietor is defined as a person in whose name an estate is registered. If an inamdar becomes the proprietor of an estate he becomes entitled to all the privileges of a landholder under the Act of 1894 in the matter of nominating village officers, awarding punishments to them and the like. But this provision will place the inamdar in a better position than the holder of an estate. The necessity for sub-clause (b) has, therefore I submit, not been proved. My amendment is intended to do away with the differential treatment proposed to be meted out to this class of landholders. I therefore respectfully suggest that my amendment to omit sub-clause (b) of clause 10 of section 3 may be accepted.”

MR. T. SUNDARA RAO NAYUDU:—“ I second the amendment.”

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—“ Mr. President, I do not want to speak on the merits of the clause. Inasmuch as there is some confusion as regards the relative provinces of this clause and the amendment in regard to inams which was passed yesterday, I just propose to say a few words. This clause does not hinge upon whether a particular inam is an estate or not. Even in regard to inams which were pakka estates under the old definition, this provision had application. The ambit of the class of inams coming under the Act has been now extended. Formerly only one particular class of inams was an estate within the meaning of the Act. Now, by the result of the voting yesterday, every species of inam has been converted into an estate. Assuming that a particular inam is an estate, what exactly is the effect of the acquisition of the kudivaram by a person who is the proprietor of the estate is the meaning and intentment of this clause.

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It was felt then by the then legislature that distinction ought to be drawn between one class of estates and another class of estates, both being estates within the meaning of the Act. In regard to one class of estates, namely, permanently settled estates, surrender or abandonment or even cultivation by the holder, is not to take away the character of the estate. In regard to another class of estates, namely, inams which come within the definition as it stood before, it was felt on grounds of high policy as then understood, that they should cease to be part of the estate; in other words, that the inamdars, provided the requisites of that section are complied with, should be absolute owners of the property.

“ Now, Sir, we have heard so much about the value to be attached to decisions and so on. A Full Bench Decision of the Madras High Court held that even in regard to an inam which is an estate, according to the old definition, if there was a surrender or abandonment, henceforward the property should continue to be at the absolute disposal of the inamdar. In other words, it practically became the private land of the inamdar. That might be right or that might be wrong. Then, in the Committee, it was felt that you should not go so far as to say that by a mere process of surrender or abandonment, the inamdar's interests must be converted into what is in effect private land. He must have cultivated it for the requisite period. It was felt that some such restriction should be put on him, and that it was unnecessary to go to the full extent of the Full Bench Decision and say that by the mere fact of surrender or abandonment, the inamdar should have greater right. If surrender or abandonment is followed up by continued cultivation for the requisite period in the manner referred to in that section, he must have full rights. That is the import of the clause. I do not propose to speak on the merits of the clause. It is for the House to vote for or against the amendment after understanding the full import of the amendment. This has nothing to do with the definition of an estate. The definition of ‘ estate ’ has been extended by your including every class of inams. Even in regard to inams which are already estates, the proviso had application. The only question is whether you are going to retain this proviso or whether you are going to go back upon the decision of the Select Committee.”

* Rao Bahadur Sir A. P. PATRO :—“ Sir, with your leave, I propose to speak a few words on the merits of the amendment. Possibly, while I accept the legal position as stated by the hon. the Advocate-General, I would venture to submit to the House that this clause is an anomaly after the discussion that we had here yesterday. I would ask the leave of the House to refer to the definition as it stands in the present Act: ‘ private land ’ means domain or home-farm lands of a landholder by whatever designation known such as Pannai, etc. The definition here restricts ‘ private lands ’ to the domain or home-farm lands of the landholder by whatever designation known. Now the Government propose to amend the definition of ‘ private lands ’ to mean the domain or home-farm lands of a landholder by whatever designation known, etc. This is a new clause that has been introduced in the Bill.”

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Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—“ This is a new clause reproducing the old clause. Originally it ceases to be part of an estate, and instead of saying it ceases to be part of an estate the present clause says it is part of the private land. Therefore by conceding the same rights as before by treating it as private land that object is effectuated. It is not right to say that it is a new amendment, whatever the merits or otherwise of it may be.”

* Rao Bahadur Sir A. P. PATRO:—“ That is neither here nor there. The explanation only makes matters worse. The definition of the existing clause is complete in itself. In the Bill a new clause is added and that new clause expands the right of the inamdar. That is the position I take up. You cannot get away from the fact that it is a new clause that is introduced, a clause which did not find place in the existing Act. You are creating a new right by virtue of this Bill which did not exist in the existing Act. That is my position. A new addition has been made to the already existing rights. By reading the clauses (a) and (b), hon. Members will find that a new interest is created by clause (b) in the inamdar and that with a view to see that it becomes his private land. Therefore I say this is opposed to the principle which this House has carried yesterday. In the Select Committee report it is stated ‘ all land in an estate within the meaning of sub-clause (d) of clause (2), the entire kudivaram interest in which has been acquired by the landholder before or after the commencement of this Act.’ That is how the amendment in the Select Committee stands. So according to the high policy which we are to pursue, if a kudivaram interest is purchased by an inamdar that land will be converted into a private land and you will be extending a right to him which he did not possess before and to-morrow the inamdars may circumvent this section by purchasing the kudivaram interest in another piece of land and thereby claiming the full right to call it a private land. Therefore it has been rightly moved that this clause be omitted.”

* Sriman M. G. PATNAIK Mahasaya:—“ Mr. President, Sir, we discussed yesterday the question whether an inam should be treated as an estate or not, and came to the conclusion that a whole inam village should be treated as an estate. If it is an estate, then there is no reason why an inam estate should be treated differently from any other estate. No doubt certain grounds were urged, that these inam estates are small estates, they are not like big impartible estates and all that. It is very often forgotten that these permanently settled estates also are very small estates—many of them consisting only of single villages, and on account of the partibility of the estates we find that a person may ultimately come to hold a few acres on account of partition in the family or alienation. An impartible estate may remain intact, but not so the estates which are partible, and I know of a case near Aska where in a small estate some 3 or 4 acres were sold for arrears of land revenue; what is the position of the man who purchased the small extent of land in a permanently settled estate. The position is that under section 38 of the

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Revenue Recovery Act, the Collector is bound to register him as a landholder and issue him a certificate, and so he will be registered as an estate holder of a small estate. If such persons cannot acquire occupancy rights and retain them in themselves for ever there is no reason why an inam-holder by acquiring occupancy right should retain it for ever. So far as the policy of the Madras Estates Land Act is concerned, one thing is clear: there is a clear prohibition against acquisition of occupancy rights permanently by any landholder. If occupancy right can be acquired by a landholder this danger will arise, namely, that all the lands of an estate may get into the possession of the landholder himself and all other people living in that locality will be his serfs and nothing more. It is on grounds of public policy that occupancy right cannot for ever be allowed to be acquired permanently by a landholder. That is the policy of the Act. If that is so, there is absolutely no reason why an inamdar should be able to retain the occupancy right for ever.

"The second point is that it is almost a misnomer to talk of private land in an inam estate. Yesterday I read an extract from a report that these lands were scattered throughout the estate and the zamindar used to get as remuneration one-tenth of the total collections. These inamdars had no lands themselves as such. But the inamdars were given lands mostly by the zamindars themselves; very few inams were granted by the Crown. Therefore to talk of private land in an estate is a misnomer. But we cannot lose sight of the fact that in the present Act a provision was made that when an occupancy right was acquired in an inam estate the occupancy right became merged in the inamdar. Why was that distinction made? All I can say is that it is a departure from the principles underlying the Act. It was made simply in response to the clamour of the inamdars who were very powerful in the former Council. Merger is not possible in the case of other estateholders. There is no reason why an inamdar should be allowed to have merger. You cannot say that these inam estates are very small in extent. In fact they cover a very large area in the Presidency, though they are not situated in one place. Secondly, even in the case of unsettled paliams or jaghirs, as was stated by Mr. Forbes, there are only one or two cases and such a concession was not granted. Why then was this concession allowed to the inamdars? It is a violation of principle which ought not to be allowed."

* Mr. T. C. SRINIVASA AYYANGAR:—"There seems to be a considerable amount of confusion in the minds of the people. Clause (b) deals with one set of private land. It deals with private land in those estates which are inams. It is wrong to say that the inams were brought under the category of estates only by this amending Act. Inams answering to the description in sub-clause (d) of sub-section (2) of section 3 of the existing Act were already under the category of estates. That is one class of inams. The other class of pre-settlement inams has been since brought under the definition of estate by the amendment carried yesterday. Clause (b) was inserted by the amendment made by the Select Committee, with a view to deal with private lands in that class

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of estates which were already within the purview of the Act, that is, inams wherein the melvaram alone was conveyed in grant to one who did not own the kudivaram interest prior to the British Government. The necessity for this clause (b) is now all the greater when all the classes of inams are now brought under the Act. During the interval between 1908 when the old Act was passed and now very valuable rights have been acquired by parting with heavy sums of money. To them this proviso will not only apply but will be a safeguard. At the same time, the clause by a further proviso introduces a limitation. The cases of surrender or abandonment or sale for arrears of rent are placed in a different category. In all those cases, the implication is that it was previously in the enjoyment of a ryot holding lands in the inam. In such cases where a set of people apart from the inamdars were actually cultivating the soil, the stringent proviso has been introduced, by enacting that 'unless it is proved that twelve years previously there was continuous cultivation by an inamdar by hired labour or by himself.' So this clause has got an importance, has got a relevancy, and it does not become useless merely because yesterday the amendment has been carried; because even prior to the amendment there was a class of inams which were already in the Act with reference to which it was considered essential.

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"It will be applicable all the more to newer kind of inams which have been brought under an estate because during the 25 years since the original Act was passed very valuable rights have been acquired. I therefore oppose the amendment now sought to be introduced."

* The hon. Sir ARCHIBALD CAMPBELL:—"I understand that this is an amendment merely to carry out the decision which was arrived at in this House yesterday as a result of an agreement between the representatives of the ryots and those of the landlords. For that reason the Government accept the amendment."

* Mr. P. PEDDIRAJU:—"The hon. the Revenue Member was not able to understand the effect of this amendment or the new amendment proposed by Mr. Appadurai Pillai. I am sorry that the hon. the Revenue Member thinks that this amendment follows the decision of the House arrived at yesterday. Private lands have been defined even in the old Act. Now there are two additions to it, viz., clauses (a) and (b). So far as clause (a) is concerned it does benefit the zamindar to a great extent. Under the old Act of 1908, the zamindar had no power which is given to him under clause (a) now. This clause has been added to give effect to the prevailing feeling that there can be addition to the private land of a zamindar. Clause (a) says:

'(a) all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for a continuous period of twelve years immediately before the commencement of this Act.'

and clause (b) says:

'(b) all lands in an estate within the meaning of sub-clause (d) of clause (2) the entire kudivaram interest in which has been acquired by the landholder before or after the commencement of this Act provided

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that where such interest is acquired by surrender or abandonment of the land by the ryot or by purchase at a sale for arrears of rent the land is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for a continuous period of twelve years since the acquisition of the land.'

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The present clause (a) is already there in the original Act in the form of section 185."

Mr. P. PEDDIRAJU:—"At the end of section 8 of the old Act there is an exception which says:

'Notwithstanding anything contained in this section where before or after the commencement of this Act, the kudivaram interest in any land comprised in an estate falling within clause (d) of sub-section (2) of section 3 has been or is acquired by the inamdar, such land shall cease to be part of the estate.'

"Sir, that exception has been removed from that place and added on here at the end of the definition of 'private land.' Instead of saying that the land ceases to be part of the estate they now say that it forms part of the 'private land.' A further proviso has been added which reads:

'Provided that the surrender or abandonment of land by a ryot shall not unless followed by continuous possession for a period of twelve years have the effect of vesting the kudivaram interest in the land in the inamdar.'

"Therefore I ask the House to consider what will be the condition of some people who have purchased lands recently. I put a concrete instance where certain inamdar has got his kudivaram rights and a number of people have purchased an acre or two each from him. What will be the condition of these people who have purchased one or two acres for Rs. 2,000 or Rs. 3,000. A man who cultivates the land is entitled to occupancy rights: simply because he squats on the land for a period of one year you are going to confiscate the lands from those people who have spent a large amount in purchasing them. Perhaps the idea is to oppress the Brahman aghaharamdars. I appeal to the House to seriously consider the effect that this amendment would have on a large number of people who have spent thousands of rupees in purchasing a few acres. They will now be told that their lands are not private lands but belong to those who actually cultivated them for a day or two. There is also another proviso now added to section 8 which reads:

'Provided that nothing in this sub-section shall be deemed to apply to land in an inam village which becomes private land within the meaning of sub-clause (b) of clause (1) of section 3.'

"That means you will place the landholder of the estate and also the inamdar who owns one or two acres of lands in the same category.

"Sir, if this amendment is allowed then there will be a consequential amendment in sub-clause (4) again. So I appeal to hon. Members of this House to see the consequences that will emanate from this. What will be the condition of the ordinary people who have invested large sums of money to purchase small pieces of land from

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inamdars when occupancy rights are going to be given to the ryots? That is the position. If Government think that this amendment has been moved as a result of the general proposition that was agreed upon yesterday it would be a mistake on their part."

Mr. T. SUNDARA RAO NAYUDU:—"I move that the question be now put."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The motion was put and carried.

The amendment was put and declared carried.

A poll was demanded and the House divided thus:

Ayes.

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| 1 The hon. Khan Bahadur Sir Mahmud Usman. | 30 " G. Lakshmana Reddi. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 31 Rao Sahib V. Dharmalingam Pillai. |
| 3 " Sir Archibald Campbell. | 32 The Kumararaja of Venkatagiri. |
| 4 " Mr. H. G. Stokes. | 33 The Raja of Khallikote. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 34 The Zamindar of Mirzapuram. |
| 6 " Mr. P. T. Rajan. | 35 Mr. M. A. Muthiah Chettiyar. |
| 7 " the Raja of Bobbili. | 36 " Daniel Thomas. |
| 8 Rao Bahadur G. Jagannatha Raju. | 37 " H. M. Jagannatham. |
| 9 Mrs. K. Alamelumangathayaramma. | 38 Rao Sahib P. Subrahmanya Chetti. |
| 10 Rao Bahadur V. N. Viswanatha Rao. | 39 " C. Jayaram Nayudu. |
| 11 Mr. J. A. Thorne. | 40 Diwan Bahadur A. Appadurai Pillai. |
| 12 " H. M. Hood. | 41 Rao Sahib D. V. Narasimhaswami. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 42 Mr. K. Kesavaramamurti Nayudu. |
| 14 Mr. R. Madanagopal Nayudu. | 43 S. M. K. Beyabani Sahib Bahadur. |
| 15 " E. Conran Smith. | 44 Mr. A. Ramakrishna Reddi. |
| 16 " T. Sundara Rao Nayudu. | 45 " Sami Venkatachalam Chetti. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 46 Diwan Bahadur B. Muniswami Nayudu. |
| 18 Subadar-Major S. A. Nanjappa Bahadur. | 47 Mr. K. P. Raman Menon. |
| 19 Rao Bahadur R. Srinivasan. | 48 " M. S. Sreshta. |
| 20 Rao Sahib V. I. Muniswami Pillai. | 49 " P. V. Krishnappa Choudari. |
| 21 Mr. M. Vedachala Mudaliyar. | 50 Sriraman M. G. Patnaik Mahasayo. |
| 22 " B. P. Sesha Reddi. | 51 Mr. C. Indrayya. |
| 23 " G. Sriramulu. | 52 " J. Kuppuswami Choudari. |
| 24 " P. C. Moses. | 53 Mahboob Ali Baig Sahib Bahadur. |
| 25 " P. V. Rajagopala Pillai. | 54 Mr. G. R. Premayya. |
| 26 " V. G. Vasudeva Pillai. | 55 " K. Pattabhiramayya. |
| 27 Khan Bahadur Yahya Ali Sahib Bahadur. | 56 Rao Bahadur R. K. Venugopal Nayudu. |
| 28 " T. M. Moidoo Sahib Bahadur. | 57 Mr. C. R. Parthasarathi Ayyangar. |
| 29 Mr. P. K. Ramachandra Padayachi. | 58 Rao Bahadur Sir A. P. Patro. |
| | 59 " C. Natesa Mudaliyar. |
| | 60 The Maharaja of Venkatagiri. |
| | 61 Mr. C. Basu Dev. |
| | 62 " R. M. Palat. |
| | 63 " R. Foulkes. |
| | 64 " V. P. Narayanan Nambiyar. |
| | 65 Rao Bahadur T. M. Narayanaswami Pillai. |

Noes.

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| 1 Mr. K. R. Venkatarama Ayyar. | 6 B. Pocker Sahib Bahadur. |
| 2 " T. C. Srinivasa Ayyangar. | 7 Mr. Abdul Hameed Khan. |
| 3 " A. P. N. V. Nadimuthu Pillai. | 8 " P. Peddiraju. |
| 4 " T. S. Ramaswami Ayyar. | 9 Moulvi Hafeez Annumanthakudi Mustapha Ahmed Meeran. |
| 5 " V. T. Arasu. | |

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Neutral.

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| 1 Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
2 Dr. P. Subbarayan.
3 Rao Bahadur T. A. Ramalingam Chettiar. |

 | 4 Mr. A. B. Shetty.
5 „ Muhammad Meera Ravuttar.
6 „ K. A. Nachiyappa Gounder.
7 The Pattagar of Palayakottai. |
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Ayes. 65. Noes. 9. Neutral. 7.

The amendment was carried.

The House then adjourned for lunch.

After Lunch (3 p.m.)

Clause 2 (8).

Section 3 (11).

* **Sriman M. G. PATNAIK** Mahasaya:—“ Mr. President, Sir, I beg to move the following amendment:—

‘Substitute the following for the first paragraph of clause 2 (8) of the Bill and section 3 (11) of the Act:—

“Rent” means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use or occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of enjoyment of water supplied by the landholder or taken for raising crops.”

“This amendment relates to the question of water-cess. The original clause in the Bill as amended by the Select Committee postulates that water should be taken with the permission of the landholder. I know of cases where the zamindar refused to permit water being taken for second crops even though plenty of water was available. It is a well-known fact that these water-sources are held in trust by the zamindars for the benefit of the ryots. The zamindars think that they have proprietary rights in these water-sources and that they can sell the water to whomsoever they liked. In many places it is very difficult for the ryots to raise second crops because the zamindars refuse to supply water. Of course, I do not say that there should be no control over the use of water from these sources. There must be some control. Also if there is any dispute, there must be somebody to settle it and that somebody should be the Collector. It will be a hardship if water-cess is charged merely when the ryot takes water for mere cultivation. For the second crop may fail for want of sufficient water-supply or for various other reasons and then the ryot will be put to a great loss. A second crop cannot be raised always and on all lands, and it is only when a second crop is raised that water-cess is payable. What I want to suggest in this amendment is that water-cess should be charged only when the ryot takes water and actually raises a second crop and no water-cess should be charged merely because the ryot takes water irrespective of whether he is able to raise a second crop or not. It is with that object that I have moved this amendment.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ I second it.”

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* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I am afraid I cannot accept this amendment. I cannot really see how it would carry into effect the object which the hon. Member has in view. This is purely a definition and does not confer any powers on anyone to take water or prevent anyone from taking water if the law entitles him to do so. Nor does it empower the zamindar to charge for water if he is not entitled to do so, for the word 'lawfully' occurs in the definition. The zamindar cannot include in his demand for rent any charge which he cannot lawfully make. Therefore I submit that the amendment is unnecessary and cannot be accepted by the Government."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I submit that it will be unjust to charge water-cess when a man merely takes water even though he is not able to raise a crop. The definition in the Bill contains the phrase 'for cultivation of land' and does not refer to the actual raising of a crop. For mere cultivation of land, are you going to charge water-cess? Should he not be able to raise a crop? Suppose for instance there is only a small quantity of water in the tank. The ryot is supplied water only once when he begins his cultivation and he does not get a subsequent supply and thereby is not able to raise a crop: is it fair to charge water-cess in that case even though he is not able to raise a crop? That will be the effect of the definition as it stands and it is why I want to amend it."

* Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I think there is some misapprehension behind this amendment. In the first place, this is merely a definition and does not purport to confer any special rights. It only postulates that in cases where water-cess is lawfully payable, it shall be included in the rent. Whether in any particular case water-cess is payable or not is a matter to be determined by the court. What this definition says is that if the cess is lawfully payable, then it is rent within the meaning of this Act. Whatever is lawfully payable for the water supplied by the landholder or whatever compensation is payable for water taken without his permission—these two items mean rent for the purposes of the Act and the summary provisions of the Act can be applied for their recovery. More than that, it does not purport to confer any special right on anybody."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I agree with the hon. Member, Mr. Patnaik Mahasayo, and I also entertain the same apprehension. Suppose the zamindar refuses to give water even for the first crop, what can the ryot do then? Of course the definition is not the operative portion of the enactment; it is only a definition and if the hon. Member wants to refer to the rights of landlords and tenants in the matter of water-supply, he should give notice of amendments separately. But the definition as it stands raises a doubt in my mind as to whether the ryot will get a right for water-supply for second-crop purposes. That is a doubt which I hope the hon. the Advocate-General will clear up. The definition in the Bill speaks of 'whatever

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is lawfully payable on account of water supplied by the landholder.' Water supplied for what purpose?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"For the cultivation of land."

* Rao Bahadur Sir A. P. PATRO:—"Is it cultivation of wet land or land other than wet land? What is it?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"If a particular land is already wet land there is no question of water-cess at all because it has already entered into the computation of rent. It is only when water-cess has not entered into the computation of rent, that is to say, when the land is classed as dry land and when the ryot takes water, that any question of water-cess as water-cess is possible. Rent is whatever is lawfully payable. It all depends on the tenure of the land in question. Suppose it is a single crop land and the ryot takes water for a second crop, he has no right to take water for second crop and therefore he has to pay compensation to the landholder in the shape of water-cess. That water-cess which is lawfully payable will be rent within the meaning of the definition."

* Rao Bahadur Sir A. P. PATRO:—"I question the very premises of the hon. the Advocate-General, namely, that the ryot has no right to take water from the water-source in his holding for the purpose of raising a second crop."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"It all depends on the nature of the settlement in the particular zamindari area in question. If the land is classed as a double-crop land and the rent has been settled on that basis, there is no question of any water-cess being payable for the second crop. If on the other hand the land has been classed as single-crop wet land, and if in any year there is a large amount of water in the tank and the cultivator takes the water for a second crop with or without reference to the landholder, then the cultivator is liable to pay water-cess. This is exactly similar to the practice obtaining in Government tracts where you have single and double crop lands. Whether in a particular case, it is a single or double crop land, will depend on the nature of the settlement in the particular zamindari and the relation between the zamindar and the cultivators. This definition does not and cannot interfere with the relation between the landholder and the ryot in any particular zamindari."

* Rao Bahadur Sir A. P. PATRO:—"I quite appreciate the Advocate-General's argument on the analogy of pattadars in Government land. Of course, in the case of pattadars of single-crop lands, if a pattadar does not apply for water for second crop and if he takes water without permission, he will have to pay a penalty. But the very premises of the argument of the Advocate-General, I am now questioning. In the case of permanently settled estates, if the irrigation sources do not belong exclusively to the landholders in some cases,

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what is the position? The ryot is the co-owner of the lands and in such a case when he takes water from an irrigation source in which he has got the right of kudivaram, for the first or second crop, what will be the position of the ryot? This definition does not make the matter clear and that is my difficulty.

3-15 p.m. "In the case of zamindaris, the irrigation sources were made by him. The irrigation source is therefore not the joint property and the tenant has got right to take water. I can understand your saying that the tenant must have the permission of the zamindar to take water. He must take permission. But what about the payment of water-rate for the second crop? The definition does not make it clear. I wish the hon. Member would explain."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, since 1908, as far as I know, no difficulty has arisen in consequence of the present definition. It is untouched so far the particular point referred to by the hon. Member is concerned except that we have inserted the word 'lawfully.' It makes it clear that, if the tenant is entitled to water free of charge, no charge can be made for that water. The wording of the existing provision is: "'Rent' means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use of occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of water supplied by the landholder or taken without his permission for cultivation of land where the charge for water has not been consolidated with the charge for the use or occupation of the land'."

"I think it is to the interest of the ryot to exclude from the rent anything which cannot be lawfully charged as water-cess."

* Rao Bahadur Sir A. P. PATRO:—"I can understand the position when it is said that, if an irrigation source has been maintained or repaired by the zamindar at his cost and if the tenant wants to take water for second crop, the zamindar has got the right to charge for that water. But if the irrigation source has been in existence from the time of the permanent settlement and if it has not been kept properly by him and if no improvements have been carried out, what is to be the position?"

* The hon. Sir ARCHIBALD CAMPBELL:—"The courts will decide whether the rent charged is lawful rent or not. We have therefore inserted the word 'lawfully'."

The amendment was put and lost.

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I do not move the first part of my amendment. I move the following amendment:—

'Substitute for the words "*has not been consolidated*" the following in sub-clause (8):—

"*is not proved by the landholder to have been consolidated*".'

3rd November 1933] [Sriman M. G. Patnaik Mahasayo]

“The wording of the clause as amended by the Select Committee is: ‘where the charge for water has not been consolidated with the charge for the use or occupation of the land.’ The question whether it is consolidated or not has to be proved and the question is by whom it is to be proved. If the zamindar claims water-cess, he has to prove the fact. The ryot cannot prove it because he does not have any record. It is the zamindar that will have all the records. The burden of proof must therefore be on the zamindar.”

Mr. ABDUL HAMEED KHAN:—“I second it.”

* The hon. Sir ARCHIBALD CAMPBELL:—“I am afraid I am not prepared to accept it. If the charge for water has not been consolidated with the charge for the use or occupation of the land, the zamindar can levy the charge. It seems to me that it is in the interest of the tenant himself that this charge should be dealt with under this Act. It is much better to leave the section as it is.”

The amendment was put and lost.

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—“Sir, I move the following amendment:—

‘Add the following to clause 2 (8) of the Bill:—

“Provided (1) that the landholder proves that for the particular crop raised with the water supplied or taken from the irrigation source within whose ayacut the land is situate, or from the particular source of irrigation from which the water so supplied or taken, the ryot was not entitled to take water and that at the time water was available in the source of irrigation from which the ryot was entitled to take water for the irrigation of the particular crop or land; (2) that rent for the particular land is not payable in kind.”

Here are three points. (1) Rent for the particular land is not paid in kind. It is not necessary that the zamindar should go to a court of law to establish this right. It is only when the question comes up before a court of law, the burden of proof should be on the zamindar. A ryot is entitled to take water for his land for a particular crop from a particular source of irrigation. There may not be water in that source of irrigation; there may be water available in another source. Therefore he may take water from the other source of irrigation. It must be proved by the zamindar that the ryot is not entitled to take water for that particular crop.

“The other condition is that rent for the particular land is not payable in kind. That is a very important thing. Because, if water is taken and the crop is grown with that water, where rent is payable

[Sriman M. G. Patnaik Mahasayo] [3rd November 1933]

in kind, both the landholder and the ryot are benefited. The zamindar is benefited in this way; he gets larger amount of rent as rent in kind. Therefore water-cess should not be charged in that case."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, these two provisos, as worded, should, I presume, come earlier in the section. They are intended to apply to the definition of rent which includes water-cess under that head."

3-30
p.m.

"I confess I find it very difficult to follow what the intention or the effect of the hon. Member's first amendment is. After all, all that we are concerned with here is the definition of 'rent' not a substantive provision of law. I submit that this proviso should not be added."

"The second proviso again relates to the payment of rent in kind; but all this is covered by the question whether the amount is 'lawfully payable' or not. I may point out that they are very important words—'lawfully payable.' I therefore submit that these two provisos are not necessary."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, these provisos go to define the word 'lawfully' to some extent and therefore they are necessary here. The hon. the Revenue Member did not meet the other point. I said when rent in kind is taken, is not the landholder also benefited *pro tanto*; therefore, why should he charge a further water cess? That matter remains unanswered by the hon. the Revenue Member."

The amendment was put and lost.

* The hon. the PRESIDENT:—"The next amendment^a is outside the scope of the Bill."

Sriman M. G. PATNAIK Mahasayo:—"Here also, Sir, the words 'lawfully payable' come in. Therefore, the amendment is not outside the scope of the Bill."

* The hon. the PRESIDENT:—"This amendment introduces a new provision with regard to water-cess and other things and therefore I hold it is not in order."

Clause 2 (8).

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"I move to—

'Omit in sub-clause (8) of the Bill the figures 27, 28, 165, and insert the figures and letter "168 to 172" between the figures "165" and "210".'

^a Add the following to clause 2 (8) of the Bill:—

"Provided that in no case the rate for water claimed shall exceed the rate of water-cess charged for the time being by Government for similar crops with water from similar sources of irrigation in ryotwari tracts in the revenue division in which the ryoti land concerned is situate."

3rd November 1933] [Sriman M. G. Patnaik Mahasayo]

"In moving this amendment, I have actually in mind a particular case that happened. Section 165 refers to the preparation of record of rights, and in the record of rights, the rent payable is to be mentioned. Then the 'settled rent' comes under sections 168 to 172. So far as that is concerned, the figures are not to be found in the Bill. What generally happens is that even after the rent is settled, supposing on account of some local usage some cess is payable to a zamindar or landholder, he may claim that amount on the ground that that question was not considered in the settlement proceedings. It is very doubtful whether the settlement officer will decide whether it is to be treated as rent or not, because sections 168 to 172 are not referred to here. Therefore I submit those figures should be introduced here."

Mr. P. V. KRISHNAYYA CHoudari seconded the motion.

Mr. R. MADANAGOPAL NAYUDU:—"Sir, I only wish to draw the attention of the House to a small absurdity in the amendment which my friend has moved. He wants '27, 28 and 165' to be omitted; and I cannot see how he can ask for the insertion of '168 to 172' between the figures '165' and '210.' If the former portion of the amendment is accepted, '165' would naturally go out. Therefore, the amendment as it is, does not seem to be correct."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, section 27 lays down that the rent paid in the preceding revenue year shall be presumed to be the rent for the current year until the contrary is proved. I cannot see why that should not apply to the local cesses also. Section 28 says that 'In all proceedings under this Act the rent or rate of rent for the time being lawfully payable by a ryot shall be presumed to be fair and equitable until the contrary is proved.' There again I am unable to see why this section should not be included. The hon. Member who moved the motion for the deletion of '27' and '28' has not given any reason for that. Again, section 16 contains the particulars to be recorded in the record of rights, and mention is made there of the rent 'lawfully payable' at the time the record is being prepared and how the rent has been fixed, whether by decree or under the provisions of this Act, or otherwise; it also includes 'if the rent is gradually increasing rent, the times at which and steps by which it increases:' again, 'if the land is claimed to be held free of rent, whether rent is actually paid or not.' It is very desirable that all these particulars should be mentioned in the record of rights, in addition to the ordinary rent of the land. Apart from this, as has been pointed out by the hon. Member who preceded me, the amendment in its latter part does not fit in well with the former."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I point out, Sir, that the object of my friend's amendment is: when a settlement is ordered under sections 168 to 172, the settlement officer is directed to fix the rent. Section 168 says that if the ryot or the landholder should apply for a settlement, the settlement officer shall settle a fair and

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equitable rent in respect of the land situated in such village or area. Now, 'rent' is defined in the definition as meaning 'what is payable.' And for certain sections, the definition of 'rent' is expanded by the inclusion of local cesses and other things. What my friend wants to know is: when a settlement of rent is being made, why should not the settlement officer, for the purpose of fixing the future rent, take the local cesses and other dues payable also into consideration and consolidate them and fix for the future a definite rent? He is having in his mind the idea that there are certain mirases; like the temple mirases, payable, apart from the statutory cess, the local board cess, etc. Now, when under section 168 rent is fixed, thereafter at least my friend wants that what the ryot has to pay should be a definite amount excluding the various cesses which are not well-defined or which might be included by the courts. The object of this amendment is this: when you extend the definition of rent in certain sections, why not also include sections 168 to 172 in that extension, so that when the settlement officer fixes the rent, he may fix it once for all and from that date afterwards at least there may be no question of other cesses being paid? There are the cesses payable under the Local Boards Act or the Municipalities Act, but they are all coming under different statutes; but where cesses are not payable under statutes, they at least might be included for consideration at the time of the settlement of rent. The object of this amendment is simply to see that the settlement officer takes into account these cesses—apart from the statutory cesses—and fixes a definite rent once for all. My friend has got in his mind a case where after the settlement of rent has taken place, the landholder may demand the other 'mirases' or other cesses that are now being paid. He only wants these 'mirases' also to be included. I would request the hon. the Revenue Member to consider the question as to what extent these sections, 168 to 172, may not be included in the explanation."

* The hon. Sir ARCHIBALD CAMPBELL:—"I do not think, Sir, we can include in the settlement of rents the local taxes or cesses mentioned in the other Acts such as the Local Boards Act although the local tax which is payable to the local boards can be collected as rent by the landowner. If we now include that for the purposes of sections 168 to 172, it would mean that local taxes would be fixed by the settlement of rent and could not be altered afterwards except under this Act."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I point out that the definition of 'rent' given here is:—

'Any local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law.'

This local tax may be paid either because it is prescribed by a particular law or because of the usage. I quite appreciate the difficulty of the hon. the Revenue Member that the settlement officer should

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not be authorized to include the statutory cesses. But what about those cesses, taxes or fees not coming within any Act, which are authorized by usage having the force of law and not by a law such as the Local Boards Act? Such at least as are payable according to 'usage having the force of law' can be included, I think."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The object which my friend Mr. Muniswami Nayudu has in view cannot be attained by merely changing the version in the Bill. You must first provide in the settlement chapter that the officer could go into the question of fees. Then you can make a provision here to the effect that any sum which is so determined as per the Settlement Chapter shall be 'rent.' As it is to include sections 168 to 172 here will lead to difficulty; because at any rate so far as local tax is concerned, it cannot be a subject, of settlement. The only thing that can be included as within the province of the settlement officer is a fee. If you make appropriate changes in the Settlement Chapter to the effect that fee can be included in the settlement, then you can make changes here so far as that particular figure is concerned. As it is, I do not think it will be right to include sections 168 to 172 within the scope of this definition. That is what I think."

* Sriman M. G. PATNAIK Mahasayo:—"Even as it stands, how can the amounts payable under any enactment be recorded in the record of rights prepared under section 165? There is some absurdity about this clause, there is no doubt about that. There are various cesses; and how can you record them all under section 165?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Record for the time being is one thing; settlement for a particular period is quite another thing. The record is of an existing fact; settlement is a binding arrangement between two parties. In one case it creates rights and obligations. The local cess is imposed by statute and therefore it can create a right or liability. Whereas in the case of record, it merely states a fact that for the time being a particular amount or other is payable. That is the distinction between a record and a settlement." 3-45 P.M.

* Sriman M. G. PATNAIK MAHASAYO:—"Therefore I say that a separate clause may be introduced to include cesses payable under the statute. That is what is stated here also, i.e., 'moneys recoverable under any enactment . . . rent.' This can be cut up into two clauses, and there is no difficulty. What is payable by virtue of local usage is not stated, and any demand can be made. There will thus be no end to litigation. And as a matter of fact such litigation is going on. Unless we take care now and amend it, it will give room for future litigation also."

The amendment was put and lost.

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Clause 2 (8) (a).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—
'that in sub-clause (a) of sub-clause (8) the following be omitted:—'or usage having the force of law'."

"In the definition of rent the words 'whatever is lawfully payable' are used. Therefore I do not see any necessity for the words 'usage having the force of law' because this is already included in the words 'lawfully payable.' Therefore these words 'usage having the force of law' are redundant and misleading and can be cut out."

Mr. P. V. KRISHNAYYA CHoudari seconded the motion.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, these words occur in the present Act and, as far as I know no difficulty has been experienced on account of these words. So, as far as I can see, there is no necessity for this proposed deletion."

* Mr. T. C. SRINIVASA AYYANGAR:—"This expression 'usage having the force of law' is used in clause (a) which deals with local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law. Particularly in zamindaris where the custom of sharing produce exists, for the purpose of safeguarding the interests of both the landlords and the tenants, certain fees are by usage payable to cover the cost of supervising the harvest. One such instance, in the zamindaris south of Madras, can easily come within the recollection of hon. Members. The fee known as kanganam which is really a fee for supervision, has been held by the courts to be payable as per usage having the force of law. The deletion of these words may lead to difficulties of an unforeseen character and I do not see why they ought to be omitted. There is no case of redundancy. It is only a case of abundant caution in a matter which really requires amplification so as to avoid any difficulty."

The amendment was, by leave, withdrawn.

Clause 2 (8) (b).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—
'that sub-clause (b) of sub-clause (8) be omitted.'"

"This sub-clause deals with pasture fees and fishery rents. It is really very difficult for me to understand what fishery rents are. Because if there is a tank, the man takes a lease, licence or obtains permission to catch fish therein at a particular time. Is such a man a ryot? Is he bound to pay 'rent'? And how such an amount can be treated as rent at all I do not see. And the man may have no lands at all in that village. Even if a hundred people may take a lease for fishing, why should it be treated as rent and why should this be recovered through the Revenue court? That depends upon the contract entered into between the person fishing and the man who gives him the licence and the amount of fee is fixed from time to time by contract. Therefore in such a case there is absolutely no reason why the civil court

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should not have jurisdiction in the matter of recovering such fee. Why should the Revenue court have jurisdiction over it? And what resemblance has it got to rent payable by a ryot I do not see.

"So far as pasture lands are concerned, this has been held to be not an agricultural purpose and therefore the ryot has got no occupancy right over it. Therefore there is no reason why the zamindar should have the right of recovering such fees by distraint or under the summary procedure provided in the Act, instead of going to the civil court. If the zamindar wants to have the right, he should also be subjected to liabilities and that is but proper. If he is not going to be subjected to liabilities, he need not be allowed to have all the advantages of recovering the fee which he may fix at any amount he likes. Therefore, so far as pasture fees are concerned, there is absolutely no provision by which it can be fixed except at the will of the zamindar. It has only to be fixed by agreement. So it has no resemblance to rent or water-cress at all which cannot exceed a certain amount. So far as fishery rent or pasture rent is concerned, the zamindar can fix them as high as he pleases by contract. I therefore move for the omission of this sub-clause, as these rents can be recovered by the civil courts."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this is really an amendment of the existing Act. I understand that the hon. Member wants to remove both fishery rents and pasturage fees from the scope of the Act. But both pasturage fees and fishery rents are mentioned in the existing Act and the present Bill makes no variation in that respect. When the hon. Member proposes to alter the existing law which has been in force since 1908, that is to say, for over a quarter of a century, one might expect him to support his case by some instances where the present law has caused hardship either to the ryots or to the landholders. But he has not mentioned any such cases and it seems to me that it is in the interests of the ryot to have only one court to deal with the claims of the landholder as against him. The ryot is defined as a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it. The fishery rents and pasturage fees mentioned here are only those payable by a ryot as such. The section does not apply to fishermen who are not ryots. In the case of fishermen, questions relating to rent for fisheries are to be decided by the civil courts. For these reasons, I oppose the amendment."

* Sriman M. G. PATNAIK Mahasayo:—"I cannot understand the expression 'payable by a ryot as such' because it is meaningless. No ryot has got occupancy right in a tank. That expression is therefore meaningless. What interest the ryot has in the fishery I do not understand. A pattadar in a village must be a ryot, and I cannot understand why he should have anything to do with fishery rights. The hon. the Revenue Member says that it is sanctified by 25 years of working and it

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has been there for the last quarter of a century without giving rise to difficulties. But I say that no ryot can have occupancy right in a tank for fishing."

* Mr. T. C. SRINIVASA AYYANGAR:—"I do not want to interfere in a matter with which my Friend, Mr. Patnaik, may be quite familiar. But I just want to say that instances may be familiar to the hon. Members and the Revenue Member also, showing how fishery rent can come to be associated with the rent proper payable by a ryot. In the Sivaganga zamindari oftentimes troubles arose over the lease of fisheries in irrigation tanks maintained by the estate. Experience has taught the prudence of averaging the fishery income for a number of years and dividing it among the wet rent of the pattadars having irrigated wet lands in their holdings, at so much per acre. These people fish in the tank in common and divide the fish among themselves and make their own arrangements for that. And the small bits of the amounts included in the pattas of the various ryots are collected along with the regular rent. This is known by name of Pasivari. There is nothing inconvenient about it. Most of the landholders with a view to avoid the possibility of litigation have got into this habit of including it in the rent. And this is working very satisfactorily there, and there is nothing inconceivable in the idea of fishery rent."

The amendment was put and lost.

* The hon. the PRESIDENT:—"The hon. Member, Mr. Sami Venkatachalam Chetti, can move only the former part of the amendment No. 38^a and not the latter part."

MR. SAMI VENKATACHALAM CHETTI:—"It was agreed, Sir, that some amendments bearing upon the questions which I raised would be admitted for discussion."

* The hon. the PRESIDENT:—"But it cannot be incorporated in the Act. That is the difficulty."

The amendment was accordingly not moved.

Clause 2 (8) (b).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move that the following be added to clause 2 (8):—

Explanation.—"Purpose of agriculture" or "agricultural purpose" includes the use of land as a yard for ploughing cattle or as a habitation for agriculturists or as pasture for ploughing cattle or for the purpose of storing manure or growing plants to be used as manure for agriculture."

* Mr. SAMI VENKATACHALAM CHETTI:—

38 Add after the words 'fishery rents' in clause (b), the words 'in reserved forests and in tanks maintained by the landholder.'

Add the following as a separate paragraph:—

"No rent shall be collected from a land which has been affected by unfavourable seasons and whose yield is less than four annas crop, in that year."

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"This only relates to the definition of 'agricultural purpose' or 'purpose of agriculture.' Now what happens is this. There is no definition in the Act of what an agricultural purpose is. Therefore it is necessary that there should be a definition. The definition I have given here is taken from the judgment of Justice Bhashyam Ayyangar in 24 Madras, 421. The advantage of this is that even with regard to threshing floors, the ryots would get occupancy rights because that is also an agricultural purpose, and they pay rent to the zamindar and they can hold it as a ryoti land. They cannot be turned out of it. It includes the use of land as a yard for ploughing cattle or as a habitation for agriculturists or as pasture for ploughing cattle or for the purpose of storing manure or growing plants to be used as manure for agriculture. The ryot cannot have these things now. He can be turned out. But if in 'agricultural purpose' these are also included they cannot be turned out of these lands. So I say this amendment should be passed. The use of the word as it stands is very loose. If the cattle-stand in a poramboke land, the zamindar will say that the cattle should not stand there. Then there is the question of habitation for agriculturists. In certain cases, the building of houses on holdings is considered objectionable, as doing material damage to the land. In such cases, the ryot is liable to be ejected from the land. No doubt the courts can interfere. As a matter of fact, the question is decided whether construction of a building means material damage to the holding or not. Still it is not made very clear whether the man should have a house for the purpose of storing manure and such other purposes. It is therefore necessary that the word should be defined as stated."

4 p.m.

Mr. P. V. KRISHNAYYA CHoudari:—"I second it."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, Sir, I think this explanation is uncalled for. Whatever is auxilliary to agriculture, is an agricultural purpose. Agriculture need not be the subject of a specific definition. Whether it is court or anybody everyone knows what agriculture is and it is impossible to lay down an exhaustive definition of what all is included in the term agriculture. Far from being a help it may create difficulties. It may include other things than the particular things specifically mentioned. Any dictionary would show what agricultural purpose is and no difficulty has so far been experienced in understanding the term. It is a well-known word in law and usage and there is no necessity for a definition now."

* Sriman M. G. PATNAIK Mahasayo:—"The hon. the Advocate-General failed to note the insertion of the word 'includes.' Moreover, there is some difficulty about it. As stated in 31 Madras, there is a good deal of difference of opinion about it and therefore some such definition is necessary. When a man takes a piece of land just for habitation for his cattle or farm-servants, is that an agricultural purpose

[Sriman M. G. Patnaik Mahasayo] [3rd November 1933]

or not? He uses it as a ryot for an agricultural purpose. The fear that this definition would exclude other purposes is not well-founded. It does not mean to exhaust all the purposes. The word 'includes' comprehends other purposes also that may be taken into consideration. What those purposes are, are by way of illustration given here. Therefore I think that the definition is necessary as the matter is very very indefinite and vague."

Rao Bahadur Sir A. P. PATRO:—"I think there is a good deal of force in what the hon. Member for Ganjam has stated. Ordinarily, of course, no difficulty arises and courts as well as officers could interpret what the purpose of agriculture means. Of course, Legislature has to provide in the proper way. But in cases where ill-feelings arise and feelings run high, there is much agitation and the landlord tries to impose his will on the tenant. In such cases, difficulties actually arose where the landlords did not permit the tenants to have a portion of his ryoti holding into a dwelling house or as a shed for cattle. In such cases, they will have to be ejected from their lands. There are instances where the landlords have actually treated the tenants so strictly. Therefore, the purpose of the hon. Mover is to meet such difficult circumstances. Whether the landlord is extraordinarily ungenerous and wants to take action as a matter of revenge against the tenant or whether subordinate officers of the zamindar harass the tenants for not paying the customary dues to them, it does create a difficulty. It is to prevent those difficulties that the hon. Member is moving this amendment."

Mr. P. PEDDIRAJU:—"Mr. President, one word about this thing. So far as I know construction of habitation for tenant is sometimes objected to on the ground that he has constructed for his own habitation. What is necessary for agriculture is a small hut for farm-servants and not for the agriculturist himself. If there is any doubt, the habitation of tenant must be included. There is no harm in including it because the word 'includes' also is there."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The object of this amendment is to enable the ryot to use this land for an agricultural purpose, and it is therefore proposed to make it clear by putting it in the definition. But merely including the term in the definition clause would not serve the purpose. If that is the object it must be definitely provided by a separate section that the ryot must have the privilege to use it for this purpose or for that whenever it is absolutely necessary for him to do so. On the other hand, merely putting it in the definition will not achieve the purpose. Supposing a man has no land and merely stores manure or some other thing, the landlord can claim rent and file a suit. I do not think that is the object of the hon. Members. If it is the object that the ryots must have a free use of the land, you must make it clear in the section which enables the ryot to use the land. That object is not served

A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, 457
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)

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by interfering with the definition of the word 'rent.' By doing so, you will be only giving the landlord the right to sue. I am afraid it is not in the interests of the ryot. The ryot must be given the permission and privilege for using the land for auxilliary purposes by the introduction of a substantive provision dealing with the ryot to use it."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|-------------------------------------|--------------------------------------|
| 1 Dr. P. Subbarayan. | 14 Diwan Bahadur B. Muniswami |
| 2 Mr. K. R. Venkatarama Ayyar. | Nayudu. |
| 3 " T. C. Srinivasa Ayyangar. | 15 Mr. K. P. Raman Menon. |
| 4 " Sami Venkatachalam Chetti. | 16 " P. V. Krishnayya Choudari. |
| 5 " T. S. Ramaswami Ayyar. | 17 Sriman M. G. Patnaik Mahasayo. |
| 6 Khan Bahadur P. Khalif-ul-lah | 18 Mr. C. Indiraiah. |
| Sahib Bahadur. | 19 " J. Kuppuswami Choudari. |
| 7 Mr. Abdul Hameed Khan. | 20 Mahboob Ali Baig Sahib Bahadur. |
| 8 " Bashcer Ahmed Sayeed. | 21 Mr. G. R. Premayya. |
| 9 " K. A. Nachiyappa Gounder. | 22 " K. Pattabhiramayya. |
| 10 The Pattagar of Palayakottai. | 23 Rao Bahadur R. K. Venugopal |
| 11 Mr. K. S. Sivasubrahmanya Ayyar. | Nayudu. |
| 12 " P. Peddiraju. | 24 " Sir A. P. Patro. |
| 13 Moulvi Hafeez Anumanthakudi | 25 Rao Sahib V. I. Muniswami Pillai. |
| Mustapha Ahmed Meeran. | 26 Mr. G. Lakshmana Reddi. |

Noes.

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|--|--|
| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 22 Rao Sahib D. V. Narasimhaswami. |
| 2 The hon. Diwan Bahadur Sir M. Krishnan Nayar. | 23 Mr. B. P. Sesha Reddi. |
| 3 The hon. Sir Archibald Campbell. | 24 " G. Sriramulu. |
| 4 " Mr. H. G. Stokes. | 25 " P. C. Moses. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 26 " P. V. Rajagopala Pillai. |
| 6 " Mr. P. T. Rajan. | 27 " V. G. Vasudeva Pillai. |
| 7 " the Raja of Bobbili. | 28 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 8 Rao Bahadur G. Jagannadha Raju. | 29 Mr. P. Bayappa Reddi. |
| 9 Mrs. K. Alamelumangathayaramma. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 10 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 31 Rao Bahadur D. Kirshnamurti. |
| 11 Rao Bahadur V. N. Viswanatha Rao. | 32 Rao Sahib P. Subrahmanya Chetti. |
| 12 Mr. J. A. Thorne. | 33 Diwan Bahadur A. Appadurai Pillai. |
| 13 " H. M. Hood. | 34 Mr. A. Ramakrishna Reddi. |
| 14 Diwan Bahadur N. Gopalswami Ayyangar. | 35 S. M. K. Beyabani Sahib Bahadur. |
| 15 Mr. R. Madanagopal Nayudu. | 36 Mr. K. Kesavamamurti Nayudu. |
| 16 " E. Conran Smith. | 37 Rao Sahib Pandit Ganala Ramamurti. |
| 17 " T. Sundara Rao Nayudu. | 38 Mr. M. A. Muthiah Chettiyar. |
| 18 Khan Sahib Syed Tajudin Sahib Bahadur. | 39 Sri A. V. Bhanoji Rao. |
| 19 Rao Bahadur A. T. Pannirselvam. | 40 The Kumararaja of Venkatagiri. |
| 20 Rao Sahib N. Siva Raj. | 41 The Raja of Khalikote. |
| 21 Subadar-Major S. A. Nanjappa Bahadur. | 42 The Zamindar of Mirzapuram. |
| | 43 Rao Bahadur C. Natesa Mudaliyar. |
| | 44 The Maharaja of Venkatagiri. |
| | 45 Diwan Bahadur S. Ellappa Chettiyar. |

Ayes 26.

Noes 45.

The amendment was lost.

[3rd November 1933]

Clause 2 (8) (b).

4-15
p.m.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move the amendment standing in my name, viz.—

'In the explanation proposed, after the word "who" insert the words "or whose predecessors in title".'

"The clause confers occupancy right on persons who occupied ryoti land for a continuous period of twelve years. As the explanation stands, it may lead to the construction that the same person should have been in possession for twelve years continuously, and the possession by his predecessor or his alienor may not count. To make it clear that not merely the period of possession by the particular person who may be a party to the suit but also the period of possession by his predecessor in title should count, I have moved this amendment. It is only for the purpose of making it clear that the possession need not be by the same person for the whole of the twelve years' period."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. the PRESIDENT:—"I think it requires a little verbal alteration. The amendment will, therefore, be—

'In the explanation proposed, after the words "who" insert the words "or whose predecessors in title have" and omit the word "has".'

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I understand that legally the word 'person' includes also his predecessors in title. I think the House would like to hear the Advocate-General as it is mainly a matter of law."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, the amendment seems to be unnecessary. Whenever you clothe a person with rights, it includes his predecessor in title. To acquire the right, the land must have been occupied for a continuous period of twelve years. Unless he has been in possession, he is not transformed into the position of a ryot under the Act. Therefore twelve years need not be completed in regard to the particular person who is made a ryot by the force of the definition. The object is to clothe a person and his successors in title who have been in continuous possession for twelve years. It is only at the point of time when twelve years of occupation are completed that he is raised to the position of a ryot and before he is not in that position. I therefore submit this amendment is unnecessary, and I would request the hon. Mover not to press it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I withdraw the amendment."

The amendment was, by leave, withdrawn.

**A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, 459
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)**

3rd November 1933]

Diwan Bahadur B. MUNISWAMI NAYUDU:—"My amendment No. 43^a is only an amendment consequential on the omission of the word 'lanka,' I would not move it if a consequential amendment is going to be moved."

The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move—
'that sub-clause (i) of sub-clause (9) be omitted.'

"That is consequential on the omission of any reference to lankas. The effect of this omission will be that the definition will read, "Ryoti land" means cultivable land in an estate other than private land, but does not include . . ."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

The amendment was put and carried.

* The hon. the PRESIDENT:—"Amendment Nos. 46 and 47^b are not within the scope of the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—"Section 3 (16) (a) is within the subject-matter of the Bill. Is it your opinion, Sir, that section 3 (16) (b) and (c) are not?"

* The hon. the PRESIDENT:—"I think so."

Clause 2, as amended, was then put and carried.

Clause 3.

* The hon. the PRESIDENT:—"Amendment Nos. 48 and 49^c are not within the scope of the Bill."

^a 43 In the amendment proposed omit all the words beginning with 'and includes lanka land, etc.' and ending with 'old waste.'

^b Clause 2 (9).

Section 3 (16) (b).

Mr. ABDUL HAMEED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—

46 In section 3 (16) (b) of the Act add after the word 'village-sites,' the words 'village roads, porambokes, village pasturage, forests and burial and burning grounds and the pathway to and from them.'

Section 3 (16) (c).

Diwan Bahadur B. MUNISWAMI NAYUDU,—

Mr. SAMI VENKATACHALAM CHETTI:—

47 Omit sub-clause (c) in section 3 (16) of the Act.

^c Clause 3.

Section 4.

Mr. ABDUL HAMEED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—

48 Add the following paragraphs: "The landholder is bound to maintain the irrigation and drainage works and to allow sufficient water for irrigation, and protect the lands from floods and other inclemencies of the weather.

The ryot is entitled to sue the landholder for negligence of the same."

New clause after clause 3.

Section 5.

Mr. ABDUL HAMEED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—

49 Add the following proviso to section 5 of the Act:—

"Provided the landholder has exchanged patta and muchilika with the ryot in possession and against whom he intends to proceed."

[3rd November 1933]

Clause 4.

Section 6.

Mr. SAMI VENKATACHALAM CHETTI:—"I move—

'in the proposed section 6 (1), omit the words "not being old waste" in lines 3 and 4.'

"It is merely consequential."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The hon. Sir ARCHIBALD CAMPBELL:—"I accept it."

The amendment was put and carried.

Section 6, sub-section (2).

The KUMARARAJA OF VENKATAGIRI:—"Sir, I move—

'that sub-section (2) of section 6 be omitted'."

Khan Bahadur YAHYA ALI SAHIB Bahadur:—"I second it."

The hon. Sir ARCHIBALD CAMPBELL:—"I accept it."

The amendment was put and carried.

Sub-section (3).

* Sriman M. G. PATNAIK Mahasaya:—"Sir, I move the following amendment:—

'Omit the following in sub-section (3):—

"For raising a garden or tope or".'

"Section 6 (3), as amended by the Select Committee, runs as follows:—

'Admission to waste land under a contract for the pasturage of cattle and admission to land reserved bona fide by a landholder for raising a garden or tope or for forest under a contract for the temporary cultivation thereof . . .'

"It is for the first time that this phrase 'for raising a garden or tope' has been introduced. There is no reason why its scope should be so widened. The landholder may reserve some waste land for any length of time and say 'that he has reserved it for a garden or a tope.' He may never grow a garden or tope, and no occupancy right can therefore be secured by the tenant. Therefore it is not desirable that occupancy right should be withheld for any length of time under this plea of raising a garden. That is opposed to the principles of the Act. It is always open to the zamindar to acquire such land for a tope or garden

3rd November 1933] [Sriman M. G. Patnaik Mahasayo]

and so long as it is in his possession he plants trees therein. When once he lets out to somebody, there is absolutely no reason why the ryot should not have occupancy rights."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I am not prepared to accept this amendment. These words 'for raising a garden or tope' were inserted by the Select Committee deliberately in order to enable the landholder to raise topes and gardens gradually. Naturally, it takes a little time to plant trees or to raise a garden, a portion of it may be let out for temporary cultivation by the landholder, and this should not prevent the landholder from resuming it when he is ready to plant it up as a garden. The Select Committee has put it in as quite a reasonable provision."

Sriman M. G. PATNAIK Mahasayo:—"No doubt the Select Committee introduced that; but the question is whether it is right to go on adding to the purposes mentioned there. If the words 'for raising a garden or tope or' are there, it would be possible for the zamindars to reserve the lands for these purposes also and prevent anybody securing occupancy rights. It is opposed to the principles of the Act. All that the Revenue Member says is that it was a thing introduced by the Select Committee. Are we on that score to go on helping the zamindars? I request the House to accept my amendment and omit the words 'for raising a garden or tope or.'"

4-30
P.m.

The amendment was put and lost.

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, I request that the consideration of amendment No. 56^a might be postponed to Monday. It is possible that you might consider it irrelevant now.

^a 56 In clause 4, number section 6 (3) as 6 (3-A), and add the following to it:—

"Provided that no forest land adjoining a village shall be so reserved by the landholder without the previous sanction of the Collector; such sanction shall not be given unless an extent of the forest land which, in the opinion of the Collector, is sufficient for the needs of the ryots of the village for the purposes mentioned in clause (b) of this sub-section, is excluded from the reserve and set apart for common use by the ryots for the said purpose without payment of any fees.

'Provided further that nothing in this sub-section shall affect any special rights which by law or custom the ryots may have in the pasture land or forest land of the estate in regard to grazing of cattle, taking timber for agricultural purposes or fuel, gathering leaf for manurial purposes and the like."

6 (3-B) Notwithstanding the absence of proof of any special rights, reserved to in the foregoing provisos, the ryots holding land in the village in which the pasture land or forest land reserved by the landholder is situated, shall, on payment of such fees as may be agreed upon between them and the landholder or settled by the Collector on application by the ryots holding not less than one-eighth of the total extent of the holdings in the village, be entitled to (i) graze their cattle, (ii) take timber for agricultural implements, and (iii) to gather leaf for manurial purposes in such pasture land and reserved forest land.

[Mr. Sami Venkatachalam Chetti] [3rd November 1933]

But I hope to make it relevant by means of some changes in it after there has been a talk on the matter with other hon. Members of the House. You can give your ruling on the amendment which will then be proposed."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The hon. the RAJA OF BOBBILI:—"Before you decide this question, I think it would be useful to us if you give your ruling whether the amendment is relevant or not. If you consider it irrelevant, we will sit together and make suitable changes in it."

* The hon. the PRESIDENT:—"As worded, I think it is outside the scope of the Bill. Unless a separate amendment is going to be brought in so as to make it possible for me to admit it, my ruling will go against the amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"It is in anticipation of your ruling with regard to its relevancy, I asked for time to suitably word it. If I did not move the adjournment of the consideration of this thing now, it will be said that the consideration of the clause is over and any further amendment is out of time. It is just to avoid that kind of obstacle that I wanted that the consideration of the whole thing be left over till Monday. The ruling that you are now asked to give might be given on Monday if the amendment is brought in in the same form; but if it is improved and brought in in another form, your ruling might be different."

In deference to the wish of the hon. Member the consideration of the clause was not taken up.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I move a consequential amendment to omit from explanation (2) of section 6 in line 3, the words 'other than old waste'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move another consequential amendment to move and it is this—

"In clauses (3) and (4) omit the words "or entitle him to the benefit of section 157".

"Section 157 relates to old waste and these words have therefore to be deleted in these clauses."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second the amendment."

The amendment was put and carried.

3rd November 1933]

Clause 4.

Section 6 (4).

* Diwan Bahadur B. MUNISWAMI NAYUDU :—“ I move the following amendment :—

‘ Add between the words “ under section 186 may ” and the words “ with the previous permission,” the following :—

“ for a period not exceeding three years in the aggregate ”.’

“ This clause deals with the lands acquired by a zamindar for definite public purposes under section 186. It may be that for some time it is not possible for him to carry out the purpose for which it was acquired, but in the meanwhile this enables him to prevent occupancy right accruing to anybody on that land. While it is necessary to give some kind of right to the landlord to prevent occupancy rights accruing in such lands, yet, it may not be right to prevent occupancy rights being acquired for any length of time by going on leasing the land from year to year or for periods of years with the permission of the Collector. By this means it is possible to defeat the object of the Act itself. I therefore think that we should limit the period to three years within which time the landlord should make up his mind to use the land for the purpose for which it was acquired. If at the end of these three years the landlord does not require it, then he should grant occupancy right to the ryot. I have, however, no objection to fix some other reasonable period for this purpose. The object of my amendment is to get the landlord make up his mind and carry out the object for which it was acquired within a reasonable time. I therefore request the House to accept my amendment.”

Mr. P. V. KRISHNAYYA CHUDARI :—“ I second it.”

* The hon. Sir ARCHIBALD CAMPBELL :—“ Sir, I am prepared to accept the amendment.”

The amendment was put and carried.

Clause 5.

Section 6-A.

* Diwan Bahadur B. MUNISWAMI NAYUDU :—“ I move the amendment standing in my name, viz.—

‘ omit the proposed section 6-A and renumber section 6-B as 6-A.’

“ Sir, clause 6-A deals with lankas and therefore it has to be omitted.”

Dr. P. SUBBARAYAN :—“ I second it.”

The amendment was put and carried.

[3rd November 1933]

Clause 5—cont.

Section 6-B.

The KUMARARAJA OF VENKATAGIRI:—"Sir, the amendment standing in my name deals with pasturage rights. As a similar amendment dealing with pasturage rights has been postponed for consideration on Monday, I request you to allow me also to move this on Monday whatever your ruling on that may be."

Consideration of the amendment was accordingly postponed to Monday.

* 63-A. The following shall be added after 6-B, namely:—

" 6-C. (1) On the application of the landholder or of a ryot or ryots holding not less than one-eighth of the ryoti land in a village the Collector shall, subject to such rules as the Local Government may make in this behalf, fix the extent of land to be set apart for the grazing of the cattle belonging to the ryots of the said village out of the available pasture or forest land in the said village calculated in the following manner:—

- (a) The Collector shall first determine the number of plough cattle required for the cultivation, in the usual course of husbandry of the ryoti lands in the village.
 - (b) The extent of land to be set apart shall then be calculated at the rate of half an acre per head of plough cattle in the case of pasture land and at the rate of 1 acre in the case of forest land.
 - (c) Out of the extent so calculated a deduction shall be made of the extent of the pasture or forest land which has been already set apart by the landholder as communal grazing ground or otherwise included in the holding of a ryot.
- (2) The landholder shall, within three months after the passing of an order by the Collector under sub-section (1), demarcate the land or additional land directed by the Collector to be set apart. Failing such demarcation by the landholder, the Collector shall himself demarcate such land or additional land out of the available pasture or forest land in the village.
 - (3) On the making of an order under sub-section (1) and the demarcation of the land under sub-section (2) the ryots of the village shall be deemed to have entered into an agreement with the landholder to pay jointly and severally grazing fees at such rates and for such period as may be agreed upon between the landholder and the ryots and failing such agreement, at such rates and for such periods as the Collector may fix.
 - (4) Pasture or forest land set apart as aforesaid shall not be used for any other purpose than that for which it is intended under the foregoing provisions nor shall such lands be used for grazing of cattle belonging to persons other than the ryots holding land in the village in which the said pasture or forest land is situated.
 - (5) If the Collector is satisfied, on an application by the landholder, that any of the foregoing provisions have been contravened by any ryot or ryots he may award such compensation to the landholder as he may deem fit.
 - (6) In any of the matters aforesaid the decision of the Collector is final and shall not be questioned in any court of law.
 - (7) An application under sub-section (1) shall be dismissed if the Collector is satisfied that the applicant or applicants had not previously applied to the landholder to set apart such pasture land and that the landholder had not prior to the date of the application refused or neglected so to set apart,

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* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move a consequential amendment to section 8, which is as follows:— 4-45 p.m.

'Omit the proviso to section 8, sub-section (1) of the Act.'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."
The amendment was put and carried.

Clause 7.

Section 8 (4).

The KUMARARAJA OF VENKATAGIRI:—"Sir, I move—

'In sub-section (4) of the new section 8, omit the words "In the case of an estate not falling under sub-clause (d) of clause 2 of section 3".'"

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 7.

Section 8 (4).

Rao Sahib N. SIVA RAJ:—"Sir, I beg to move—

'In the section 8 (4) omit the words "and the person so admitted shall not be entitled during such period to the benefit of the provisions of section 46".'"

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 8.

Section 12.

The KUMARARAJA OF VENKATAGIRI:—"I beg to move—

'Add the following to the new section 12 which shall be numbered as section 12, sub-section (1):—

"but it shall be open to a ryot on payment to the landholder of such compensation as may be fixed by the Collector on an application made to him in that behalf to acquire the right to use, enjoy, cut down, carry away or otherwise dispose of all trees which were in his holding on the 1st day of July 1908 and in respect of which rights were reserved to the landholder by custom or by contract in writing as aforesaid".'

"Sir, I agree that this section is very necessary in order to enable the ryot to acquire the right to use, enjoy, cut down, carry away or otherwise dispose of the trees which were in his holding on the 1st day of July 1908 after paying such compensation to the landholder as the Collector may fix. By this I can say that the interests of both the landlord and tenant are secured."

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Mr. V. P. NARAYANA NAMBIYAR:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept it."

The amendment was put and carried.

Rao Sahib N. SIVA RAJ:—"Sir, I beg to move—

'Add the following as section 12, sub-section (2), namely:—

"12 (2) Nothing contained in the previous sub-section shall be deemed to affect the rights of any third person or to entitle an occupancy ryot to acquire compulsorily the right to use, enjoy, cut down, carry away or otherwise dispose of the trees included in a tree patta issued to a third person".

Mr. V. P. NARAYANA NAMBIYAR:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept it."

The amendment was put and carried.

The House adjourned to meet again at 11 a.m. the next day.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. Leaflets Nos. 5 and 6 issued by the Madras Neo Malthusian League.

^b 2. G.O. No. 698, Finance, dated 27th October 1933, regarding the appointment of M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, as a Member of the Public Accounts Committee vice M.R.Ry. Rao Bahadur D. Krishnamurti Nayudu Garu.

^c 3. List of posts on Rs. 500 per mensem and above created during the quarter ending 30th September 1933.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

3rd November 1933]

APPENDIX I

[Vide answer to question No. 303 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 3rd November 1933, page 401 supra.]

Annexure I.

Year of selection.	Number selected.	Community to which the selected officer belongs.	Whether or not the selected officer is the son of		
			Police official.	Other official.	Non-official.
(1)	(2)	(3)	(4)	(5)	(6)
* (1) Assistant Superintendents of Police.					
1928	1	Christian	..	..	Yes
1929	1	Anglo-Indian	..	..	Yes
1930	2	{ One Non-Brahman Hindu (Kalinga).	..	Yes	..
1931	1	One Muhammadan	..	..	Yes
1932	1	Non-Brahman Hindu (Nayar) ..	..	..	Yes
1933	2	{ One Non-Brahman Hindu (Mukkuva).	..	Yes	..
		One Muhammadan	Yes	..	..
(2) Deputy Superintendents of Police.					
1928	Nil		..	..	..
1929	2	{ One Non-Brahman Hindu (Nayudu).	Yes	..	..
1930	1	One Muhammadan	Yes	..	..
1931	2	{ Christian †	..	..	Yes
		One Non-Brahman Hindu (Setti Baliga).	..	..	Yes
1932	Nil	One Brahman	..	Yes	..
1933	1	Parsi	..	..	Yes

* The figures given in column (2) under Assistant Superintendents of Police exclude those recruited in England. Their numbers are:—

Year.	Number recruited.	Community.
1928	2	European.
1929	1	Do.
1931	2	Do.
1932	2	Do.

Information as to the occupation of the parents of those recruits is not available.

† Probation since terminated.

[3rd November 1933]

*Annexure II.**The Indian Police (Recruitment) Rules, 1927, as subsequently amended.*

PART I.

METHODS OF RECRUITMENT.

1. These rules may be called the Indian Police Service (Recruitment) Rules, 1927.

2. The Indian Police Service shall be recruited by the following methods:—

(a) By Competitive Examination in England, in accordance with Part II of these rules and such supplementary regulations as may be prescribed by the Secretary of State in Council.

(b) By Competitive Examination in India in accordance with Part III of these rules and such supplementary regulations as may be prescribed by the Governor General in Council.

(c) By the appointment in accordance with Part IV of these rules of persons selected in India otherwise than by General Competitive Examination.

(cc) By Limited Competitive Examination in India in accordance with Part III-A of these rules.

(d) By the promotion in accordance with Part V of these rules on the recommendation of Local Governments of members of Provincial Police Services.

(e) By the transfer or promotion in accordance with Part VI of these rules of an officer belonging to a branch of Government Service in India other than a Provincial Police Service.

3. (1) All appointments to the Indian Police Service shall be made by the Secretary of State for India in Council.

(2) No appointment shall be made to the Indian Police Service by any method not specified in Rule 2.

(3) Subject to the provisions of sub-rule (2) the method or methods of recruitment to be employed for the purpose of filling any particular vacancies in the Indian Police Service or such vacancies therein as may be required to be filled during any particular period, and the number of candidates to be recruited by each method, shall be determined by the Secretary of State in Council.

PART II.

APPOINTMENT BY COMPETITIVE EXAMINATION IN ENGLAND.

4. Candidates shall have attained the age of 19 and shall not have attained the age of 21 on the first day of August in the year in which the examination is held. They shall be unmarried, and if they marry before reaching India shall forfeit their appointments.

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5. No person shall be eligible for admission to the examination who is not a male and does not satisfy the Secretary of State for India in Council—

(a) that his character is such as to qualify him for employment in the Indian Police Service, and

(b) that he is a British subject of non-Asiatic domicile whose father (if alive) is a British subject, or (if dead) was at the time of his death either a British subject, or a person in the permanent service of the Crown, or a person who had retired from that service:

Provided that in the case of a male British subject the requirements of clause (b) of this Rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with his Majesty's dominions as to justify special treatment.

PART III.

APPOINTMENT BY GENERAL COMPETITIVE EXAMINATION IN INDIA.

6. A candidate must be a male and either—

(i) A British subject of Indian domicile whose father (if alive) is a British subject, or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India, or a person in the permanent service of the Crown, or a person who had retired from that service, or

(ii) a ruler or a subject of a State in India in respect of whom the Governor General in Council has made a declaration under section 96-A of the Government of India Act:

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with His Majesty's dominions as to justify special treatment.

7. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a member of the Indian Police, and a candidate who is found after examination by a Medical Board not to satisfy these requirements will not be admitted to the Competitive Examination.

8. A candidate must satisfy the Public Service Commission that his character is such as to qualify him for employment in the Indian Police Service.

9. A candidate must have attained the age of 21 and not have attained the age of 24 on the first day of August in the year in which he is selected for admission to the Competitive Examination.

10. A candidate must hold a Degree of a University approved by the Governor General in Council or have passed the Diploma Examination in the 1st or 2nd Division from the Aitchison College, Lahore, the Mayo College, Ajmer, the Daly College, Indore, the Rajkumar

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College, Rajkot, or the Rajkumar College, Raipur, or have passed the Cambridge School Certificate examination. In exceptional cases the Public Service Commission may, on the recommendation of the Local Government, treat as a qualified candidate a candidate who, though not possessing any of the foregoing qualifications, has passed examinations conducted by other institutions of a standard which in the opinion of the Public Service Commission justifies his admission to the examination.

11. (1) For the purposes of the examination the Governor General in Council shall constitute selection areas, and every candidate shall be assigned to an area, in which he is resident or in which he is treated as resident.

(2) For the purpose of these rules a candidate is resident in a selection area in which his parents reside at the time of his application, or have previously resided for a period of not less than three years or in which he has himself resided (otherwise than as a student of a University only) for a like period, but the Public Service Commission may in special circumstances allow a candidate to be treated as resident in a selection area in which he is not resident:

Provided that a candidate shall not be treated as resident in Burma unless at the date of his birth and at the time of making his application he was domiciled in Burma.

(3) A candidate resident in a State in India shall be treated as resident in the selection area in which he wishes to serve, provided that the Public Service Commission may in special circumstances treat such candidate as resident in some other selection area.

(4) No candidate shall in any year be treated as resident in more than one selection area.

12. (1) In each selection area a Selection Committee shall be constituted by the Local Government and shall perform in accordance with arrangements made by the Local Government and approved by the Public Service Commission the functions hereinafter assigned to it. Every Selection Committee shall include at least one unofficial member. The Public Service Commission shall be entitled to appoint one of their members to act as a member of any Selection Committee.

(2) For the purpose of this rule the Local Government means in the case of the North-West Frontier Province the Chief Commissioner and in other cases the Local Government of the Governor's province which constitutes, or is included in, the selection area.

(3) The Selection Committee shall examine every application from a candidate assigned to the area for which they have been constituted who has passed the Medical Board, and shall interview every candidate who appears to be qualified under these rules for appointment to the Indian Police Service.

(4) The Selection Committee shall make a list of those persons whom they recommend for admission to the examination. They shall include in the list no candidate whom, having regard to his personality, character and general suitability as shown by his previous career, they do not consider in all respects suited for appointment to the Indian

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Police Service in the selection area. They shall also exclude from the list any candidate with regard to whom they are satisfied that he will not qualify in the written examination. The Selection Committee shall award, in respect of the interview to those candidates whom they recommend for admission to the examination, marks not exceeding the number of marks mentioned in the regulations made under these rules and the marks so awarded shall be added to the marks gained at the written examination.

(5) Each Selection Committee shall send its list of recommended candidates to the Local Government, who shall forward it to the Public Service Commission with such observations as they may desire to make. The candidates so recommended shall be admitted to the examination unless they are disqualified under the rules or are excluded by the Public Service Commission on the recommendation of the Local Government. To every candidate selected for admission to the examination, the Public Service Commission shall give a certificate of having been so selected and no person to whom such certificate has not been given shall be admitted to the examination.

13. No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for selection.

14. The Competitive Examination shall be conducted in accordance with regulations made by the Governor General in Council and such fees may be charged to candidates as may be prescribed in those regulations.

15. A list of the candidates shall be made out for each area in order of their proficiency as disclosed by the aggregate marks finally awarded to each candidate and in that order so many of the candidates up to the determined number of appointments in each area as are found by the Public Service Commission to be qualified by examination shall be declared to be successful candidates for the Indian Police Service, provided that the Governor General in Council is satisfied that they are duly qualified in other respects.

PART IIIA.

APPOINTMENT BY LIMITED COMPETITIVE EXAMINATION IN INDIA.

16. Candidates for appointment under this Part shall possess the qualifications required of candidates for appointment under Part III and such additional communal or other qualifications as may be specified by the Governor General in Council, and shall be selected and appointed in the manner prescribed by the rules contained in Part III, all the provisions of which shall, save as provided in this rule, be applicable. The examination of candidates for appointment under this Part shall be held either jointly with the examination held under Part III or separately, as the Public Service Commission may decide. If the examination is held jointly a separate list of candidates to be appointed under this Part shall be made in accordance with Rule 15 for each area affected.

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PART IV.

APPOINTMENT BY SELECTION IN INDIA OTHERWISE THAN BY
COMPETITIVE EXAMINATION.

17. (1) Before taking action with a view to the making of any appointment under this Part, the Governor General in Council shall consult the Public Service Commission regarding the propriety of making the appointment under this part in lieu of under Part IIIA.

(2) If after such consultation the Governor General in Council is of opinion that an appointment or appointments should be made under this Part, he shall call on the Public Service Commission to recommend and arrange in order of preference such number of candidates selected from such areas and with regard to such communal or other considerations as he may think fit. The candidates so recommended shall possess the qualifications specified in Rules 6 and 7, and must satisfy the Public Service Commission that they are in all respects suitable for appointment to the Indian Police Service. No candidate who has not attained the age of 21 years or who has attained the age of 24 years on 1st August preceding the recommendation made by the Public Service Commission shall be eligible for appointment under this rule.

18. The Governor General in Council shall forward to the Secretary of State for India in Council the recommendations made by the Public Service Commission under sub-rule (1) and sub-rule (2) of Rule 17 and shall propose a candidate or candidates for appointment under this Part.

PART V.

APPOINTMENT BY PROMOTION FROM THE PROVINCIAL POLICE SERVICES.

19. Where recruitment is to be made by promotion from the Provincial Police Service, it shall be made after compliance with Rule 6 of the Public Service Commission (Functions) Rules, 1926, or any variation thereof for the time being in force.

PART VI.

APPOINTMENT BY TRANSFER OR PROMOTION FROM A SERVICE
OTHER THAN A PROVINCIAL POLICE SERVICE.

20. The Secretary of State for India in Council may in special cases and on the recommendation of the Governor General in Council made after consulting the Public Service Commission transfer or promote an officer belonging to a branch of Government Service in India (other than the Provincial Police Service) to the Indian Police Service.

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Annexure III.

NOTIFICATIONS.

I

GENERAL RULES.

PUBLIC SERVICES—PROVINCIAL SERVICES.

General Rules regulating the method of recruitment, the conditions of service, the pay and allowances and the pensions.

In exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules, the Governor in Council and the Governor acting with Ministers hereby make the following general rules to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of the provincial services.

In these rules and in the special rules made in exercise of the said powers to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of any provincial service, unless there is anything repugnant in the subject or context:—

(1) A person is said to be 'appointed to a service' when in accordance with these rules and the special rules, or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof; 'appointed to a service'

Explanation.—The appointment of a person holding a post borne on the cadre of one service, provincial or subordinate, to hold additional charge of a post borne on the cadre of a provincial service or to discharge the current duties thereof does not amount to appointment to the latter service;

(2) 'appointing authority' means the Local Government or an authority empowered by the Local Government in that behalf; 'appointing authority'

(3) 'approved candidate' means a candidate whose name appears in a list of candidates approved by the appointing authority in consultation with the Commission for appointment to any service, class or category; 'approved candidate'

Explanation.—The inclusion of a candidate's name in any such list shall not confer on him any claim to appointment to the service, class or category;

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'approved probationer' (4) 'approved probationer' in a service means a member of that service who has satisfactorily completed, or is deemed under clause (iv) or (v) of sub-rule (c) of rule 9 satisfactorily to have completed, his period of probation and awaits appointment as a full member of such service;

'cadre' (5) 'cadre' means the sanctioned strength of any service, class, category or grade;

'category' (6) 'category' means the holders of all the posts borne on the cadre of a service or class—

(a) the duties of which are of the same character and importance, and

(b) which are either known by the same designation or the scales of pay for which are the same;

'class' (7) 'class' means the holders of posts borne on the cadre of a service between which and the other posts borne on the cadre of the same service, promotions and transfers are not normally admissible;

'Commission' (8) 'Commission' means the Madras Services Commission;

'discharge of a probationer' (9) 'discharge of a probationer' from a service during the period of his probation means, in case the probationer is a full member or an approved probationer of another service, provincial or subordinate, reverting him to such service and in any other case, dispensing with his services;

'duty' (10) a person is said to be 'on duty' as a member of a service—

(a) when he is performing the duties of a post borne on the cadre of such service or is undergoing the probation, instruction or training prescribed for such service;

(b) when he is on joining time; or

(c) when he is absent from duty on authorized holidays or on casual leave taken in accordance with the instructions regulating such leave issued by the Local Government, having been on duty immediately before and immediately after such absence;

'full member' (11) 'full member of a service' means a member of that service who has been appointed substantively to a permanent post borne on the cadre thereof;

'general rules' (12) 'general rules' means these rules and 'general rule' means one of these rules;

'grade' (13) 'grade' means a grade of the service, class or category, as the case may be;

'Local Government' (14) 'Local Government' means the Governor in Council or/and the Governor acting with the Minister or Ministers concerned;

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(15) 'member of a service' means a person who has been appointed to that service and who has not retired or resigned, been removed or dismissed, been transferred or reduced to another service, or been discharged otherwise than for want of a vacancy. He may be a probationer, an approved probationer or a full member of that service;

(16) 'period of probation' of a member of a service means the period of probation prescribed in these rules or in the special rules, together with—

(a) the period until the issue of an order under clause (ii) of sub-rule (c) of rule 9 declaring the probationer to have satisfactorily completed his period of probation, or

(b) the period referred to in clause (iv) or (v) of sub-rule (c) of rule 9, on the expiry of which, the probationer is deemed to have satisfactorily completed his period of probation, or

(c) the period until an order discharging the probationer under clause (ii) of sub-rule (a) of rule 9, clause (i) or (ii) of sub-rule (b) of that rule or clause (iii) of sub-rule (c) of the same rule, takes effect;

(17) 'post borne on the cadre of a service, class or category' means a post the duties of which are normally intended to be performed by a member of such service, class or category. Such posts may be either permanent or temporary;

(18) 'posting' means the appointment of any member of a service to any post borne on its cadre, otherwise than by way of transfer or promotion;

(19) 'probationer' in a service means a member of that service who has not completed the period of his probation;

(20) 'promotion' means the appointment of a member of a service or class of a service, in any category or grade, to a higher category or grade of such service or class;

Explanation.—The appointment of a member of a service or class of a service, in any category to hold additional charge of a post borne on the cadre of a higher category in the same service or class or to discharge the current duties thereof does not amount to promotion to the latter category.

(21) A candidate is said to be 'recruited direct' to a service when at the time of his first appointment thereto he is neither a full member nor an approved probationer in any other service, provincial or subordinate;

(22) A candidate is said to be 'recruited by transfer' to a service when at the time of his first appointment thereto he is either a full member or an approved probationer in another service, provincial or subordinate;

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- 'rule' (23) 'rule' means a rule of the rules in which the word occurs;
- 'Scheduled classes' (24) 'Scheduled classes' means the communities mentioned in the Schedule to these rules;
- 'selection category' (25) 'selection category' means a category declared to be a selection category in the special rules;
- 'selection grade' (26) 'selection grade' means a grade declared to be a selection grade in the special rules;
- 'service' (27) 'service' means a group of persons classified by the Local Government as a provincial service;
- 'special rules' (28) 'special rules' means the special rules made in exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of the service or services concerned;
- 'test' or 'special test' (29) 'test' or 'special test' means an examination in any subject or subjects held for the purpose of ascertaining the fitness—
- (a) of candidates for, or probationers in, or other members of any service, class or category for the duties appertaining to such service, class or category or to particular posts borne on the cadre of such service, class or category; or
- (b) of members of any service, class or category for passing any specified stage in the time-scale of pay applicable to such service, class or category;
- Explanation.*—A person who has passed a test or special test shall be deemed to have passed the same on the last day on which the examination therefor was held; and any benefit or concession admissible to him on such passing may be granted (if all other conditions attaching to the grant of such benefit or concession are satisfied) with effect on and from the day following such day;
- 'transfer' (30) 'transfer' means—
- (a) where a service or class of a service consists of more than one category, the appointment of a person doing duty in any post borne on the cadre of any such category to any other post borne on such cadre; or
- (b) where a service or class of a service consists of only one category, the appointment of a person doing duty in any post borne on the cadre of such service or class to any other post borne on such cadre; but does not include promotion;
- (31) words importing the masculine gender shall be taken to include females, if circumstances so require; and

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(32) a person is said to attain the age of 'n' years when 'n' years have elapsed since the beginning of the day of his birth.

Illustration.—A person born on 1st August 1900 attains the age of 25 years at midnight of 31st July—1st August 1925.

1. *Commencement and extent.*—(a) These rules shall come into force on the 1st October 1933.

(b) They shall apply to all provincial services and to all persons appointed to any such service before, on or after the said date except to the extent otherwise expressly provided—

(i) by or under any law for the time being in force, or

(ii) in the special rules, or

(iii) in respect of any member of such service by a contract or agreement subsisting between such member and the Government:

Provided that nothing contained in clause (ii) shall affect the operation of rule 16.

2. *Cadre.*—(a) The cadre of each service, class, category and grade shall be determined by rules made by the Local Government.

(b) if the number of posts in any selection grade in any service, class or category is fixed with reference to the cadre of such service, class or category, a temporary addition to such cadre shall not be taken into account in calculating the number of posts in such selection grade.

(c) If a member of any service, category or grade is reduced to a lower service (provincial or subordinate), category or grade, he shall be deemed to be a full member of the latter and the permanent cadre thereof shall, if there is no vacancy in which he could be absorbed, be deemed to be increased by one so long as such member continues therein:

Provided that against every such addition an officiating or temporary vacancy, if any, shall be kept unfilled and such addition shall be absorbed in the first permanent vacancy that subsequently arises in such lower service, category or grade.

(d) Where a person has been dismissed, removed or reduced from any service, class, category or grade, no vacancy caused thereby or arising subsequently in such service, class, category or grade, shall be substantively filled to the prejudice of such person until the appeal, if any, preferred by him against such dismissal, removal or reduction is decided and except in conformity with such decision, or until the time allowed for preferring an appeal has expired, as the case may be,

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3. *First appointment.*—(a) All first appointments to any service or class shall be to the lowest category or grade therein, or if the lowest category consists of more than one grade to the lowest grade in such category.

(b) (i) All first appointments to any service shall be made by the appointing authority after consulting the Commission.

(ii) Any information in the possession of the Local Government or of any authority subordinate to the Local Government affecting the selection of a candidate for appointment to any service shall be supplied to the Commission on demand.

(iii) Every candidate for appointment to any service who in response to a notification issued by the Commission makes an application shall remit a fee of fifteen rupees and, in case he is required to undergo a competitive examination, an additional fee of ten rupees, into a Government treasury or into the Imperial Bank of India, Madras, or one of the branches thereof, to the credit of the Government under the head “XXVI—Miscellaneous Departments—Examination fees—Fees for examinations—Madras Services Commission” and shall send the treasury or bank receipt therefor to the Commission with his application.

(c) A full member or an approved probationer of any service, class or category shall not be transferred to another service, class or category carrying less pay than his relative position in the cadre of the service, class or category to which he belongs would justify except as a punishment or except with his consent, express or implied.

(d) Where the normal method of recruitment to any service, class or category is neither solely by direct recruitment nor solely by transfer, but is both by direct recruitment and by transfer—

(i) the special rules concerned shall specify the proportion or order in which the substantive vacancies in the permanent cadre of such service, class or category shall respectively be filled by persons recruited direct and by those recruited by transfer; and

(ii) a person shall be recruited direct as against a substantive vacancy in such permanent cadre, if the vacancy is one which should be filled by a direct recruit under the special rules referred to in clause (i), and no person shall be recruited direct except as provided in this clause.

(e) A vacancy in any service, class or category [not being a vacancy which should be filled by direct recruitment under the special rules referred to in clause (i) of sub-rule (d)] shall not be filled by the appointment of a person who

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has not yet commenced his probation in such service, class or category when an approved probationer or a probationer therein is available for such appointment.

(f) (i) In cases falling under sub-rule (d), the order in which probationers and approved probationers who were recruited by transfer shall be discharged for want of vacancies shall be—

first, the probationers in order of juniority, and
second, the approved probationers in order of juniority.

(ii) In cases not falling under sub-rule (d), the order in which probationers and approved probationers shall be discharged for want of vacancies shall be—

first, the probationers in order of juniority; and
second, the approved probationers in order of juniority.

(iii) The order of discharge laid down in clauses (i) and (ii) may be departed from for special reasons, but the reasons for every such departure shall be reported without delay to the Commission.

(g) Approved probationers and probationers who have been discharged for want of vacancies shall be reappointed as vacancies [not being vacancies which should be filled by direct recruitment under the special rules referred to in clause (i) of sub-rule (d)] arise, in the inverse of the order laid down in clause (i) or (ii) of sub-rule (f):

Provided that the order laid down in this sub-rule may be departed from with the consent, express or implied, of the person or persons having a preferential right to appointment under this sub-rule:

Provided further that the said order may also be departed from for special reasons, but the reasons for every such departure shall be reported without delay to the Commission.

4. *Temporary appointments.*—(a) (i) Where it is necessary in the public interest to fill up immediately a vacancy in any post borne on the cadre of a service, class or category and there would be undue delay in making such appointment in accordance with these rules and the special rules, the appointing authority may appoint a person, otherwise than in accordance with the said rules, temporarily, until a person is appointed in accordance with such rules; but such temporary appointment or appointments shall in no case exceed three months altogether in the case of any individual.

(ii) Every appointment made under clause (i) together with all the particulars relating to the person so appointed and the reasons therefor shall be reported without delay to the Commission.

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(iii) A person so appointed shall be replaced as soon as possible by a member of the service or an approved candidate qualified to hold the post under the said rules.

(iv) Save as provided in sub-rule (b) of rule 8, a person so appointed shall not be regarded as a probationer in such service or be entitled by reason only of such appointment to any preferential claim to future appointment to the service, class or category.

(v) When a person appointed under clause (i) is discharged, the fact of such discharge shall be communicated to the Commission as soon as possible.

(b) No part-time post shall be created in lieu of a whole-time post borne on the cadre of any service, class or category without the consent of the Commission or for a period in excess of that recommended by it. A person appointed to any part-time post created in lieu of a whole-time post borne on the cadre of a service, class or category shall not be regarded as a probationer in such service nor shall he be entitled by reason only of such appointment to any preferential claim to future appointment to such service, class or category.

5. *Qualifications*.—(a) No person shall be eligible for appointment to any service by direct recruitment unless he—

(i) is either a British subject as defined in section 1 of the British Nationality and Status of Alien Act, 1914, or a subject of a State in India;

(ii) has not attained the age of 25 years;

(iii) satisfies the Commission that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service; and

(iv) satisfies the Commission that his character and antecedents are such as to qualify him for such service.

Explanation.—The decision as to whether a person is qualified under clause (i) of this sub-rule or not shall rest with the Commission. In case of doubt, the Commission shall refer the matter to the Local Government whose decision shall be final.

(b) No candidate other than one who has been born in the Presidency of Madras or who has been domiciled therein for a period of not less than ten years immediately preceding the date of his application shall, except with the previous sanction of the Local Government and except in accordance with such conditions and restrictions as they may lay down, be included in any list of approved candidates. Such sanction shall not be accorded unless the Commission certifies that a sufficient number of qualified and suitable candidates so born or domiciled is not available,

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6. *Special qualifications.*—(a) No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he—

(i) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the special rules, or,

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said special qualifications or special tests.

(b) The Commission may, if satisfied on the recommendation of the appointing authority that a candidate or candidates with an adequate knowledge of a particular vernacular language or languages is necessary for filling up a vacancy or vacancies in any service, class or category, declare that such number of vacancies as may be specified in the declaration are reserved for candidates with such knowledge. Where such a declaration has been made, the Commission shall select candidates in accordance therewith and notwithstanding anything contained in these rules, any such vacancy shall, if no member of the service possessing such knowledge is available for appointment thereto, be filled only by an approved candidate possessing such knowledge.

7. *Communal representation.*—(a) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto shall, so far as qualified and suitable candidates of the communities concerned are available, be made in the following order, namely:—

- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.
- One Non-Brahman (Hindu).
- One member of the Scheduled classes.
- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.

Explanation.—The expression “Non-Brahman (Hindu)” shall include every community other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic, and the Scheduled classes.

(ii) The stage at which the communal rotation specified in clause (i) shall commence when first applied to any

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such service, class or category shall be determined by the Local Government.

(iii) If a qualified and suitable candidate belonging to any community is not available for appointment to any such service, class or category in the turn allotted to that community under clauses (i) and (ii) or under this clause, a qualified and suitable candidate belonging to the community next in the order specified in clause (i) shall, if available, be appointed; but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(iv) Where a probationer belonging to any community is discharged from any such service, class or category otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(v) If, when an appointment to any such service, class or category is to be made, there are two or more communities having a preferential claim under clause (iii) or clause (iv), that community shall receive first consideration whose preferential claim first arose.

(b) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto otherwise than by transfer from a corresponding subordinate service or by promotion, shall be so regulated as to secure, as near as may be, the distribution of membership in such service, class or category among the following communities in the proportion specified against each:—

Non-Brahman Hindus—Five out of twelve.

Brahmans—Two out of twelve.

Muhammadans—Two out of twelve.

Anglo-Indians, Christians and Non-Asiatics—Two out of twelve.

Scheduled classes—One out of twelve.

Explanation.—(1) The expression “Non-Brahman Hindus” shall include members of all communities other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic and the Scheduled classes.

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(2) Appointments to any such service, class or category by transfer from the corresponding subordinate service or by promotion shall be made irrespective of communal consideration.

(ii) Every appointment to any such service, class or category otherwise than by transfer or promotion as afore-said shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportions specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any such communities who is best fitted for the post shall be appointed.

8. *Probation.*—(a) A probationer in a service shall not be eligible for appointment as a full member of such service in any category until he has been on probation in such category or in a higher category of the same service or class, for a total period of two years on duty within a continuous period of three years.

(b) If a person, having been appointed temporarily under sub-rule (a) of rule 4 to a post borne on the cadre of any service, class or category or having been appointed to any service, class or category otherwise than in accordance with the provisions of these rules or of the special rules governing such appointment, is subsequently appointed to the service, class or category in accordance with these rules and the special rules, he shall commence his probation from the date of such subsequent appointment or from such earlier date as the Commission may determine.

(c) No probationer shall, during the period of his probation, except for purposes of instruction or training, be employed on duties which are not normally discharged by members of the service in the category to which he belongs.

9. (a) At any time before the expiry of the prescribed period of probation, the appointing authority may—

(i) suspend the probation of a probationer and discharge him from the service for want of a vacancy, and

(ii) at its discretion and after consultation with the Commission, by order, terminate the probation of a probationer and discharge him from the service.

(b) (i) If within the prescribed period of probation, a probationer fails to acquire the special qualifications or to pass the special tests, if any, prescribed in the special rules or to acquire such other qualifications as may be considered by the

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Commission to be equivalent to the said special qualifications or special tests, the appointing authority shall forthwith, by order, discharge him from the service.

(ii) If such probationer has appeared within the prescribed period of probation for any such tests or for any examinations in connexion with the acquisition of any such qualifications, having passed all the other tests and acquired all the other qualifications, and the results of the tests of examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he fails to pass, as the case may be. In case the probationer fails to pass any of the tests or examinations for which he has so appeared, the appointing authority shall forthwith, by order, discharge him from the service.

(iii) Where a test in only one of certain specified vernacular languages is prescribed in the special rules, a person whose mother-tongue is one of the languages so specified or who has taken one of such languages for his university degree shall not be required to pass any language test.

(iv) Where tests in two of certain specified vernacular languages are prescribed in the special rules, a person whose mother-tongue is one of the languages so specified or who has taken one of such languages for his university degree shall be required to pass the test only in one other of such languages, and a person whose mother-tongue is one of such languages and who has taken another of such languages for his university degree or who has taken two of such languages for his university degree, shall not be required to pass any language test.

(v) Where a probationer has, before he commenced his probation, already acquired any special qualification or passed any special test prescribed in the special rules, or has acquired such other qualification as may be considered by the Commission to be equivalent to the said special qualification or special test, he shall not be required to acquire such special qualification or to pass such special test again within the period of his probation.

(c) (i) At the end of the prescribed period of probation, the appointing authority shall consult the Commission as to the probationer's suitability for full membership of the service in the category for which he was selected.

(ii) If, after such consultation, the appointing authority considers the probationer to be suitable for such membership, it shall as soon as possible, or in cases falling under clause (ii) of sub-rule (b) as soon as possible after the

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probationer has passed the tests and examinations for which he has appeared, issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(iii) If, after such consultation, the appointing authority does not consider the probationer to be suitable for such membership, it shall by order discharge him from the service.

(iv) In cases not falling under clause (ii) of sub-rule (b), if no order is issued by the appointing authority under clause (ii) of this sub-rule within three months after the expiry of the prescribed period of probation, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(v) In cases falling under clause (ii) of sub-rule (b), if the candidate has passed the tests and examinations for which he has appeared and no order is issued under clause (ii) of this sub-rule by the appointing authority within three months after the expiry of the prescribed period of probation or within one month of the publication of the results of such tests and examinations, whichever is later, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(d) An order discharging a probationer issued under clause (ii) of sub-rule (a) or clause (i) or clause (ii) of sub-rule (b) or clause (iii) of sub-rule (c) shall have effect from the date on which the probationer is discharged.

(e) No order passed under clause (iii) of sub-rule (c) shall be based either wholly or in part upon the probationer's work or conduct after the expiry of the prescribed period of probation.

(f) (i) It shall not be necessary in any order discharging a probationer passed under clause (ii) of sub-rule (a), clause (i) or clause (ii) of sub-rule (b) or clause (iii) of sub-rule (c), to specify the reasons for such discharge, but such order shall state whether or not the Commission recommended such discharge. A copy of the order, together with the reasons therefor, shall be communicated to the Commission. A probationer who is discharged contrary to the recommendation of the Commission shall be entitled to appeal against the order of discharge as if it were an order of dismissal.

(ii) No probationer discharged under any of the provisions referred to in clause (i) shall be eligible for re-appointment to the service in the category from which he has been discharged or a higher category of the same service or class:

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Provided that a probationer recruited by transfer who is so discharged may, after a period of three years from the date of such discharge, be appointed to the service in the category from which he was discharged as if he had not been previously appointed thereto. A person so appointed shall for all purposes be regarded as having been appointed to the service in such category for the first time on the date of his appointment thereto under this proviso.

(g) For the purposes of this rule, 'prescribed period of probation' shall mean the period of probation specified in sub-rule (a) of rule 8 or any other period prescribed in this behalf in the special rules.

10. (a) A probationer or an approved probationer may be appointed to officiate in any permanent or temporary post borne on the cadre of the service, class or category for which he was selected, or in a higher category of the same service or class, provided he is qualified for holding such post.

(b) Notwithstanding anything contained in Fundamental Rule 30, there shall be paid—

(i) to a probationer recruited by transfer from the corresponding subordinate service, the pay specified in the special rules in that behalf, or if no such pay is specified therein, the pay which would be admissible to him if he were a full member of the service in the category in which he is holding a post, as modified in the latter case by the operation of Fundamental Rules 22 and 31.

(ii) to any other probationer

(1) while he is undergoing a course of instruction or training, the pay specified in the special rules in that behalf; and

(2) after he has completed the course of instruction of training, if any, the pay of the lowest grade or the minimum pay in the time scale of pay, as the case may be, applicable to the category for which he was selected as modified in either case by the operation of Fundamental Rules 22 and 31.

(iii) to an approved probationer, the pay which would be admissible to him if he were a full member of the service in the category in which he is holding a post.

Explanation.—An approved probationer shall be entitled to count the period of his probation for increments in the time scale of pay, if any, applicable to the category for which he was selected.

(iv) to a person appointed under rule 4 to hold temporarily a post borne on the cadre of a service, class or category, either his substantive pay or the pay of the lowest grade or the

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minimum pay in the time scale of pay, as the case may be, applicable to such service, class or category, whichever is higher.

11. *Appointment of full members.*—(a) An approved probationer shall, if a substantive vacancy in the permanent cadre of the category for which he was selected exists, be appointed to be a full member of the service in such category at the earliest possible opportunity; and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the service in such category or in a higher category:

Provided that where more than one approved probationer is available for such appointment as full member, the senior-most approved probationer shall be appointed.

(b) Where the special rules provide that recruitment to any service, class or category shall normally be both by direct recruitment and by transfer, the provisions of sub-rule (a) shall apply separately as regards

(i) vacancies against which persons have been recruited direct; and

(ii) other vacancies.

(c) No approved probationer shall be required to produce a medical certificate of physical fitness before appointment as a full member of the service:

Provided that in the case of an approved probationer who is not a full member of any other service, provincial or subordinate, the appointing authority may, if it has reason to believe that the probationer's physical fitness has seriously deteriorated since he satisfied the Commission under clause (iii) of sub-rule (a) of rule 5, require him to undergo a fresh medical examination. If on such examination he is found to be physically unfit for the service in the category for which he was selected, the appointing authority shall discharge him from the service.

(d) No person shall at the same time be a full member of more than one service, provincial or subordinate.

A probationer, approved probationer or full member of one service who is appointed to be a full member of another service shall cease to be a member of the former service.

A probationer in any service who is not on duty in that service may be appointed to another service, but if subsequently he is required for duty in the former service while on duty in

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the latter, he shall elect the service of which he wishes to be a member and on such election, he shall cease to be a member of the other service.

A probationer in any service who is on duty in that service may, if he is willing to give up his membership of that service, be appointed to another service. On such appointment, he shall cease to be a member of the former service.

12. *Seniority in the service.*—(a) The seniority of a member in any service or class of a service shall be determined by the date of his first appointment to such service or class or in the case of a person governed by sub-rule (b) of rule 8, by the date on which he commences his probation under that sub-rule:

Provided that if any portion of the service of a member does not count towards his probation, his seniority shall be determined by the date of the commencement of his service which counts towards probation:

Provided further that where a service or class consists of more than one category, a person who is appointed to the service or class in a higher category shall take rank in such service or class

(i) until he becomes an approved probationer in such higher category, next below the person who was last appointed, whether substantively or in an officiating capacity, to hold a post in such higher category; and

(ii) on his becoming an approved probationer in such higher category, either next below the person referred to in clause (i) or next below the person who was last appointed substantively to a post in such higher category or, if any person or persons have become approved probationers in such higher category after such substantive appointment, next below such person or such of those persons as completed his probation last as the case may be, whichever will give him the higher rank.

(b) Where the date by which seniority is determined under sub-rule (a) is the same in the case of two or more members of a service or class, their seniority *inter se* shall be determined by the order of preference, if any, laid down by the Commission in their case. If no such order of preference has been laid down or in case of doubt, seniority shall be determined by the Commission.

(c) A member of a service or class shall, unless he is reduced in seniority as a punishment retain seniority in such service or class as determined by sub-rules (a) and (b) throughout his service notwithstanding any delay in the

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completion of his probation or in his appointment as a full member of the service or class and irrespective of the category in which he may, from time to time, hold a post.

(d) Where a member of any service, category or grade is reduced to a lower service, category or grade, he shall be placed at the top of the latter unless the authority ordering such reduction, after consultation with the Commission, direct that he shall take rank in such lower service, category or grade, next below any specified member thereof.

13. *Promotion.*—(a) All promotions shall be made by the appointing authority.

(b) Where special qualifications or special tests are prescribed by the special rules of a service for any category, grade or post therein, or in a class thereof, which are not prescribed for a category or grade in such service or class carrying a lower rate of pay, a member in the latter category or grade shall not be promoted to the former category, grade or post, whether in a permanent, officiating or temporary capacity, or

where such qualifications or tests are prescribed by the special rules for passing any specified stage in the time-scale of pay applicable to any service, class or category or any post borne on the cadre thereof, a member in such service, class or category or holding such post shall not be permitted to pass such stage unless he

(i) possesses such qualifications or has passed such tests, or

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said qualifications or tests:

Provided that if none of the members in the category or grade carrying the lower rate of pay is eligible for promotion under this sub-rule, a member in such category or grade may be promoted to the category or grade carrying the higher rate of pay temporarily until a member of the former category or grade qualified under this sub-rule is available for promotion. A member temporarily promoted under this proviso shall not by reason only of such promotion, be entitled to any preferential claim to future promotion.

(c) (i) Promotions in a service or class, to a selection, category or to a selection grade, shall be made after consultation with the Commission. Such promotions shall, subject to the provisions of sub-rule (b), be made on grounds of merit and ability, seniority being considered only where the merit and ability are approximately equal.

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(ii) All other promotions shall, subject to the provisions of sub-rule (b), be made in accordance with seniority unless—

(1) the promotion of a member has been withheld as a penalty; or

(2) a member is given special promotion for conspicuous merit and ability.

Such special promotion shall be made after consultation with the Commission. The reasons for giving such promotion shall be recorded in writing and communicated forthwith to all the members of the service affected.

(d) A member of a service promoted from one category to another shall be on probation in the latter category for a total period of two years on duty within a continuous period of three years. The promotion of a member of a service from one category to another shall, as regards probation, be treated in the same way as a first appointment to the service in the latter category and all the rules governing appointment to the service in the latter category shall *mutatis mutandis* apply.

(e) The provisions of sub-rule (a) of rule 4 shall apply *mutatis mutandis* to promotions also.

(f) Notwithstanding anything contained in sub-rule (d), the following provisions shall apply to promotions from a lower to a higher category of a service or class of a service in cases where the lien of a member of such service or class on a post borne on the cadre of the lower category is or has been suspended by reason of his being on foreign service or otherwise:—

(i) if a substantive or officiating vacancy in the higher category arises during the period of suspension of the lien of such a member, he shall, if considered fit, be promoted in his turn to the higher category substantively or in an officiating capacity, as the case may be, subject to the condition that he shall on reversion to duty in the said service or class, undergo and satisfactorily complete the probation prescribed in sub-rule (d) in respect of such higher category; and

(ii) if a substantive or officiating vacancy in the higher category is in existence when such a member returns to duty in the said service or class or arises after such return, he shall, if considered fit, be promoted to the higher category substantively or in an officiating capacity, as the case may be, in preference to any other member who is junior to him, subject to the condition that he shall undergo and satisfactorily complete the probation prescribed in sub-rule (d) in respect of such higher category.

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14. *Postings and transfers.*—(a) A member of a service or class of a service may be required to serve in any part of the Presidency of Madras in any post borne on the cadre of such service or class:

Provided that no such member shall be posted or transferred to any post unless he—

(i) possesses such special qualifications and has passed such special tests as may be prescribed for such post in the special rules, or

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said qualifications and tests.

(b) All transfers and postings shall be made by the appointing authority.

15. *Pay, allowances, leave, leave salary, pension and other conditions of service.*—The Fundamental Rules and the pension rules for the time being in force shall, except to the extent expressly provided in these rules or the special rules, govern members of every service in the matter of their pay, allowances, leave, leave salary, pensions and other conditions of service:

Provided that where any such member has elected to be governed by the provisions of the Civil Service Regulations, those provisions shall apply to him.

16. *Savings.*—(a) (i) Nothing in these rules shall adversely affect any person who was a member of any service on the date of the coming into force of these rules.

(ii) Nothing in any special rules governing a service shall adversely affect any person who was a member of such service on the date of the coming into force thereof.

(b) Where these rules or the special rules would adversely affect in respect of any matter a person who was a member of any service before the date of coming into force thereof, he shall, in respect of such matter, be governed by the rules and orders, if any, which were applicable to him immediately prior to such date:

Provided that if there were no rules or orders prescribing the period of probation, applicable to him on such date, the provisions of these rules and the special rules regarding probation shall apply to him and any service rendered by him before such date shall count towards probation if and to the extent such service would have counted, had these rules and the special rules come into force at the time of his first appointment.

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(c) If, before the issue of the special rules, a person had been exempted under the orders then in force from the possession of any qualification or the passing of any test and the possession of such qualification or the passing of such test is prescribed by such special rules, they shall not apply to such person to the extent and in respect of the category, grade or post, specifically covered by the order of exemption.

SCHEDULE.

SCHEDULED CLASSES.

[See definition 24.]

Hill and aboriginal tribes.

- 1 Annadan.
- 2 Badaga.
- 3 Bagata.
- 4 Chenchu.
- 5 Domba (Dombo).
- 6 Gadaba.
- 7 Gond.
- 8 Irulars.
- 9 Jatapu.
- 10 Kada (Kadan).
- 11 Kani (Kaniyan).
- 12 Kapu of Vizagapatam and Godavari districts.
- 13 Karumbalan.
- 14 Kattunaicken.
- 15 Kondh.
- 16 Konda Dora.
- 17 Kota.
- 18 Koya.
- 19 Kudibi.
- 20 Kurichan.
- 21 Kurumba.
- 22 Madugar or Medavar.
- 23 Maduva.
- 24 Malasar.
- 25 Malayalee (of Pachamalai Hills of Salem and Trichinopoly districts).
- 26 Marathi (of South Kanara district).
- 27 Mavilan.
- 28 Melakudi or Kudiyan.
- 29 Paniyan.
- 30 Panu (Pano).
- 31 Polayan (Pulayan).
- 32 Poroga (Poroja).
- 33 Savara.
- 34 Sholagar.
- 35 Toda.
- 36 Vettuvan.

Others.

Names and districts.

- 1 Amagunta Poligar (Chittoor).
- 2 Ambalagars (Trichinopoly).
- 3 Anebojinapalli Malas (Nellore).
- 4 Anipey Malas (East Godavari and West Godavari).
- 5 Attur Kilnad Koravars (South Arcot, Salem and Trichinopoly).
- 6 Attur Melnad Koravars (Salem).

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Others—cont.

Names and districts.

- 7 Bavuri (Ganjam and Vizagapatam districts).
- 8 Bavira (South Kanara).
- 9 Bakuda (South Kanara).
- 10 Bellara (South Kanara).
- 11 Bhattu Turkas (Chittoor).
- 12 Boyas (Anantapur, Bellary, Chittoor, Kurnool).
- 13 Budabukkakas (Guntur).
- 14 Chakala (Guntur).
- 15 Chalavadi (Bellary).
- 16 Chengampundi Koravars (North Arcot).
- 17 Cheruma (Malabar).
- 18 Chettinad Valayars (Ramnad).
- 19 Chuckler (Tamil districts).
- 20 Dandasis (Ganjam).
- 21 Dasari [Anantapur, Bellary Chittoor, Cuddapah and Nellore (Kavali Settlement)].
- 22 Debi Koravars (Trichinopoly).
- 23 Dommaras (Anantapur, North Arcot, South Arcot, Chittoor, Kurnool, Nellore, East Godavari, West Godavari and Kistna).
- 24 Dubbai Koravars (North Arcot).
- 25 Gandarvakottai Koravars (Tanjore).
- 26 Ghasis (Jeypore, Vizagapatam district).
- 27 Godda (South Kanara).
- 28 Gudu Dasaris (South Arcot and Coimbatore).
- 29 Gundlapad Woddars (Guntur).
- 30 Haddi (Ganjam and Vizagapatam districts).
- 31 Holeya (South Kanara).
- 32 Inji Koravars (Trichinopoly).
- 33 Iranis (all districts).
- 34 Irulars (North Arcot, South Arcot and Trichinopoly).
- 35 Jambuvandi (Trichinopoly).
- 36 Jamulapalli Malas (Kurnool).
- 37 Jarugaballi Madigas (Guntur).
- 38 Jogamalai Koravars or Kepmaris (North Arcot, South Arcot, Bellary and Cuddapah).
- 39 Jogula or Jogi (North Arcot, South Arcot, Chingleput, Chittoor and Nellore).
- 40 Kallars (of that portion of the Tanjore district to which the special reclamation activities through the Kallar Reclamation Deputy Superintendent have been extended).
- 41 Kaladis (Trichinopoly).
- 42 Kal Koravas (Trichinopoly).
- 43 Kal Oddars (Chingleput).
- 44 Kanakkan (Malabar).
- 45 Kepmaris (Chingleput).
- 46 Kintali Kalingas (Vizagapatam).
- 47 Korachas (Bellary).
- 48 Koraga (South Kanara).
- 49 Koravars (Chingleput, Salem and Tinnevely).
- 50 Kottapal Kallars (Tanjore).
- 51 Kunjar Bhat (all districts).
- 52 Kurumbarava (Ramnad).
- 53 Lambadis (Guntur).
- 54 Madari (Ganjam and Vizagapatam).
- 55 Madigas (Arundhatiyas of Telugu districts).
- 56 Maila (South Kanara).
- 57 Malas (Adi-Andhras of Telugu districts).
- 58 Maravars of Pulam (Tinnevely district).
- 59 Moger (Mera or Kaipudus or Mogerars) (South Kanara).
- 60 Monda Koravars (Salem).
- 61 Mundala (South Kanara).
- 62 Muthurachas (Nellore).

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Others—cont.

Names and districts.

- 63 Nakkalas (East Godavari).
- 64 Nalkedaya (South Kanara).
- 65 Nattan Korachas (Chittoor).
- 66 Nayadi (Malabar).
- 67 Nirshikaris (Bellary and Kurnool).
- 68 Nokkars (Chingleput).
- 69 Oddars (North Arcot).
- 70 Paidis (Vizagapatam).
- 71 Pallan (Tamil districts).
- 72 Pambada (South Kanara).
- 73 Paraiya (Adi-Dravida of Tamil districts).
- 74 Paravan (South Kanara).
- 75 Pedda Boyas (Anantapur and Cuddapah).
- 76 Pennagaram Perumbalai Koravars (Salem).
- 77 Periasuriyur Kallars (Trichinopoly).
- 78 Picharis (Bellary).
- 79 Pichi Guntlas (Cuddapah).
- 80 Piramalai Kallars (Madura and Ramnad).
- 81 Ponnai Koravars (North Arcot).
- 82 Ranayars (South Kanara).
- 83 Rellis (Ganjam and Vizagapatam).
- 84 Sakkaraitamadai Koravars (North Arcot and South Arcot).
- 85 Salem Melnad Koravars (North Arcot, Coimbatore, Madura, Salem, Tanjore and Trichinopoly).
- 86 Samagars (South Kanara).
- 87 Semman (Madura and Trichinopoly).
- 88 Sembanad Maravars (Ramnad).
- 89 Sungalis (Lambadis) (Anantapur, Bellary, Chittoor, Cuddapah and Kurnool).
- 90 Suragalli Koravars (Salem).
- 91 Tak Woddars (Kurnool).
- 92 Telugu Pamulas (Ganjam, East Godavari, West Godavari, Guntur, Kistna, Nellore and Vizagapatam).
- 93 Telungapatti Chettis (Trichinopoly).
- 94 Thalli Koravars (Salem).
- 95 Thoti (or Mari-marusas or Mari Holeyas) (South Kanara).
- 96 Thotia Naicks (North Arcot, South Arcot, Coimbatore, Madura, Ramnad, Tanjore, Tinnevely and Trichinopoly).
- 97 Uppu Koravars (North Arcot, Salem and Trichinopoly).
- 98 Uraligoundan (Trichinopoly).
- 99 Vaduvarpatti Koravars (Madura, Ramnad and Trichinopoly).
- 100 Valayars (Coimbatore and Madura).
- 101 Valluvan (Tamil districts).
- 102 Varahaneri Koravan (Trichinopoly).
- 103 Vayalpad or Nawahpet Koravars (Anantapur, Chittoor, Cuddapah and Nellore).
- 104 Vellayankuppan Padayachis (South Arcot).
- 105 Venganur Parayas (North Arcot and Chittoor).
- 106 Veppur Paraya (South Arcot).
- 107 Vettaikaran (Tanjore).
- 108 Vettuvan (Malabar).
- 109 Woddars (Chittoor, Cuddapah, West Godavari, Guntur, Kistna, Kurnool and Nellore).
- 110 Yanadi (Ganjam, West Godavari, Guntur, Nellore, Chittoor, Chingleput and Cuddapah).
- 111 Yerukalas (Anantapur, Bellary, Cuddapah, East Godavari, West Godavari, Guntur, Kistna, Kurnool and Nellore).

NOTE.—This list includes the tribes notified under section 3 of the Criminal Tribes Act and is subject to variation as tribes are notified under section 3 of the Criminal Tribes Act or removed from the operation of the Act.

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EXPLANATORY INSTRUCTIONS.

1. *General.*—The power of regulating the conditions of service of Provincial and Subordinate Services can be exercised by the Local Government only through the framing of rules in pursuance of the rule-making power delegated to them in the Classification Rules by the Secretary of State under the authority of the Government of India Act. The Government of India Act replaced once and for all the regime of executive orders by a regime of rules, and statutory rules are therefore now a legal necessity. They have the force of law and have therefore to be strictly complied with, as any infringement of a statutory rule constitutes an illegality. It has been held that in view of the express provisions of section 96-B (5) of the Government of India Act a general power to make rules does not include or imply a power to exempt from or relax the requirements of those rules, and that accordingly the Local Government are not competent, when making such rules, to include a rule clothing themselves with a power of exemption from the operation of the rules so made. It has further been held that on a construction of the terms of the Secretary of State's delegation and of Classification Rule 12 it is not within the competence of the Local Government to frame a rule in and for an individual case. Any relaxation of the rules in existence at any time can only be made under Classification Rule 12, i.e., when a strict application of the rules causes hardship to an individual. The rules cannot therefore be relaxed or dispensed with on grounds of administrative convenience or public interest, nor can certain rules such as those prescribing age-limits or qualifications for appointment ever be relaxed, since they could not be brought within the terms of Classification Rule 12 which applies only to members of the services. It is however permissible to amend or to make a general rule in the light of any case of individual hardship or with a view to avoiding administrative inconvenience, and heads of departments are at liberty to recommend to Government the amendment or the framing of any rule as may be found necessary or desirable as a result of their experience in the administration of their departments.

2. *Definitions.*—A service consists of a number of persons, not of a number of posts. When a service consists of two or more groups of persons with little in common between them, save perhaps that they work under the same administrative head, but it is not considered desirable to split the groups into separate services, the groups are constituted into classes of the service. It follows that there can normally be neither promotions nor transfers between different classes of a service. The holders of posts in a service or class between which transfer or promotion is normally made are designated 'categories.'

A person becomes a member of a service on the date of his first appointment to the service, although he is only a probationary member of the service, or a probationer in the service, until he has satisfactorily completed his probation, after which he remains an approved probationer in the service until, on the occurrence of a permanent vacancy, he can be admitted to full membership of the service.

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A fundamental conception of appointment to a service is that it must be made in accordance with the rules, such as those prescribing qualifications including age-limit, communal rotation and consultation with the Madras Services Commission. An irregular appointment is not therefore recognized as any appointment at all for purposes of the rules. Neither the holding of additional charge of a post borne on the cadre of a service, nor an emergency temporary appointment to a post borne on the cadre of a service, constitutes appointment to a service. The former is specifically barred by the explanation given under the definition, but this is unnecessary in the case of the latter in view of the clause in the preamble to the definitions 'unless there is anything repugnant in the subject or context' and the specific provision embodied in clause (iv) of rule 4 (a). Thus although emergency appointments are made in accordance with a particular rule, they are not made in accordance with the general rules and the special rules, to which that particular rule itself constitutes an exception. A person who is appointed in accordance with the rules save only that he actually takes over his duties out of his turn under the communal rotation rule can under the definition be regarded as appointed to the service on the date on which his appointment would have been in accordance with the rules.

Under the definition of "appointed to a service" read with the definition of "member of a service" a person who was a probationer or approved probationer in a service when these rules came into force acquired the status of a member of the service retrospectively from the date of his first appointment and thus secured the benefit of the protection afforded by rule 16.

The cadre of a service is the sanctioned strength of a service. The creation of a temporary post involves a temporary addition to the cadre of the service, which is thus included in the cadre for so long as the post remains in existence and will automatically carry the rate of pay prescribed for such posts in the statutory rules unless they provide specifically for the pay to be drawn by such temporary additions. The cadre therefore includes both the permanent strength and also the holders of temporary posts. Where it is necessary to denote the former alone, as in rule 11 (a), the expression "permanent cadre" may be used.

The expression "on duty" being of importance so far as these rules are concerned only in connexion with probation, duty is defined to cover merely 'duty as a member of a service' and not duty generally, as the latter would involve such complications as service under the Government of India or in some other service, duty while in foreign service, and the like.

3. *Rule 4*.—Emergency temporary appointments have been provided for to avoid interruption of Government business in sudden emergencies, and not to avoid the necessity of foresight in estimating requirements. It is an abuse of the rule, for instance, to resort to

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it when or just before an officer proceeds on leave if it was known several months previously that the leave vacancy would arise and steps could have been taken to have the vacancy filled in accordance with the rules. The provision can however be legitimately used when several appointments have to be notified at the same time, but whereas according to the communal rule the officers so appointed should be appointed in a certain order, the order in which they will actually join duty cannot be controlled or foreseen. In such a case all the officers can be temporarily appointed in the first instance and the date of their regular appointment notified later. For example, if *A*, *B*, *C*, *D*, are simultaneously appointed to a service and under the communal rule the appointments should be in the order stated, and *A* joins duty on 10th April, *B* on the 1st April, *C* on the 19th April, and *D* on the 7th April, the regular appointments would date from 10th April, 10th April, 19th April and 19th April respectively; and service rendered in any such case between the date of joining and the date of regular appointment would be regarded as temporary service not counting towards probation under rule 4 (a) (iv).

As temporary appointments are designed to meet sudden emergencies, rule 4 does not insist on the prescribed qualifications being observed in their cases. But appointing authorities are expected to secure the best person immediately available, and in particular not to appoint an unqualified person if a qualified person is available.

4. *Rule 7* provides two alternative methods of securing communal representation in the Provincial Services, namely, the method of communal rotation covered by sub-rule (a) and the method of communal proportion dealt with in sub-rule (b). The communal principle can therefore be applied to any service, class or category by including a rule in the special rules governing the service concerned specifying which sub-rule of general rule 7 shall apply and the extent or unit to which it shall be applied. Generally speaking, the communal rotation method is preferable as being the more straightforward and easy to work, where it can without objection be applied to all appointments however made to a service, class or category; while the communal proportion method is preferable where for administrative or other reasons it is considered desirable that certain appointments such as those by transfer from the corresponding subordinate service shall be made independently of communal considerations.

Rule 7 (a).—Under the communal rotation method a community which loses a turn for want of a suitable and qualified candidate, or which loses a representative through the discharge of a probationer, acquires a preferential claim to consideration in the filling of the next or any subsequent vacancy, which preferential claim will persist until it is satisfied. It is of course possible for one or more communities to possess one or more preferential claims at the same time. An appointment cannot be made against a regular communal turn if an outstanding preferential claim can be satisfied by the appointment of a suitable and qualified candidate of the community possessing such claim; while preferential

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claims as among themselves shall be satisfied in so far as suitable and qualified candidates are available in the order in which they arose.

Illustration.—In a service subject to the communal rotation rule the last appointment made was that of a non-Brahman against turn 1, the previous turns of Muhammadan (turn 9) and Anglo-Indian, etc. (turn 11) having been passed over for want of suitable and qualified candidates and remaining still outstanding. When the next vacancy arises the position will be that the Muhammadan community possesses the first preferential claim, the Anglo-Indian, etc., community possesses the second preferential claim, and the Muhammadan community is entitled to the communal turn (turn 2).

If then a suitable and qualified Muhammadan candidate is available, he will be appointed against the first preferential claim, after which the Anglo-Indian, etc., community will possess the first preferential claim and the Muhammadan community will remain entitled to the communal turn. But should a probationer of the "Scheduled classes" community (turn 7) be discharged before the next vacancy arose, then the Anglo-Indian, etc., community would have the first preferential claim, the "Scheduled classes" community the second preferential claim, and the Muhammadan community the communal turn.

If however there was no suitable Muhammadan candidate available but there was a suitable Anglo-Indian, etc., candidate, then the first preferential claim would have to be passed over and the qualified candidate of the Anglo-Indian, etc., community would be appointed against the second preferential claim; after which the Muhammadan community would possess the first (and only) preferential claim and also the communal turn.

If there were available no suitable candidate either of the Muhammadan or the Anglo-Indian, etc., communities, then both the preferential claims and communal turn 2 would have to be passed over and a suitable and qualified non-Brahman if available would have to be appointed against turn 3. After that the position would be that the Muhammadan community would possess the first and the third preferential claims and the Anglo-Indian, etc., community the second preferential claim and the communal turn (turn 4).

Rule 7 (b).—When an appointment has to be made to a service in accordance with the communal proportion rule, the appointment must be made from that community which is at the time most disadvantageously situated with reference to the proportions specified in rule 7 (b) (i). The criterion should be applied in the following manner:—

- (a) The total strength of members (whether full members, approved probationers or probationers) in the service, class or category belonging to each of the recognized communities should first be ascertained.
- (b) It should next be determined what would be the total strength of members of each of the communities according to the proportions fixed in rule 7 (b) (i).

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(c) The percentage for each community of the figure under (a) to that under (b) should then be worked out.

(d) The community having the lowest percentage as worked out in (c) will be the one entitled to representation next. If no qualified and suitable member of that community is available, then a member of the community having the next lowest percentage will be entitled to appointment.

A fresh calculation on the above lines will have to be made every time that an appointment has to be made subject to this rule.

Special provision for preferential claims in the cases of lost turns or of discharge of probationers as in the case of the communal rotation method is not necessary here, since the principle of making the appointment from the community most disadvantageously situated at the time automatically produces an equitable representation.

Illustration.—(a) Distribution of members according to communities:—

Non-Brahman Hindus	...	...	...	15
Brahmans	...	...	...	30
Muhammadans	...	...	...	4
Anglo-Indians, Christians and Non-Asiatics of Indian domicile	...	...	...	5
Scheduled classes	...	...	...	1
				—
Total	...	...	...	55
				—

(b) Distribution as it ought to be—

Non-Brahman Hindus	...	...	22-11/12
Brahmans	...	...	9-1/6
Muhammadans	...	...	9-1/6
Anglo-Indians, etc.	...	...	9-1/6
Scheduled classes	...	...	4-7/12
			—
Total	...	...	55
			—

(c) Percentage of (a) to (b)—

Non-Brahman Hindus	...	...	65-5/11
Brahmans	...	...	327-3/11
Muhammadans	...	...	43-7/11
Anglo-Indians, etc.	...	...	54-6/11
Scheduled classes	...	...	21-9/11

A candidate belonging to the scheduled classes community will be entitled to the next appointment. If no candidate of that community is available, then a candidate belonging to the Muhammadan community will be entitled to appointment.

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5. *Rule 8 (c).*—Since general rules apply save as otherwise provided in the special rules, this sub-rule will not prevent probationers from being given such training or instruction (including the holding of posts normally held by members of the corresponding subordinate service) as may be specifically provided for in the special rules.

The same general consideration applies to other definite provisions in these rules, e.g., the age-limit fixed in rule 5 (a) (ii).

6. *Rule 9.*—The rule appears somewhat involved as it has necessarily to cover all possible cases, but its actual working will be comparatively simple. Thus in the case of a probationer who shortly before the expiry of the prescribed period of probation sits for examination in certain tests which under the special rules have to be passed within the period of his probation, the Commission will be consulted as soon as the prescribed period of probation expires. It will be open to the appointing authority to discharge him, if the Commission's verdict is unfavourable, without waiting for the results of the examination. Three months from the expiry of the period of probation or one month from the date of publication of the results of the tests, whichever is later, has been provided as the maximum period within which the probationer may be discharged in this case. If he fails to pass the tests, he will of course be discharged under clause (ii) of sub-rule (b).

7. *Rule 11 (a).*—The rule provides for the confirmation of approved probationers in a service or class *in the category for which they were selected*, in order to avoid the administrative inconvenience of having to confirm a senior approved probationer in one category in a permanent vacancy in another category the duties of which may be dissimilar from those of the former category. Where more than one approved probationer is available for confirmation, the criterion for deciding the one to be confirmed will be seniority in the service or class, and not the date of completion of probation, since the latter method would unduly penalize a person who was unlucky enough to complete his probation late on account of illness or other unavoidable reason.

8. *Rule 11 (d).*—No rule has been framed for Provincial Services, corresponding to rule 27 of the Civil Services (Classification, Control and Appeal) Rules for All-India Services, prohibiting the appointment to a post borne on the cadre of a Provincial Service of a person who is not a member of such service. Hence a member of an All-India Service who is serving under the administrative control of the Local Government may be appointed to hold charge of a post borne on the cadre of a Provincial Service without his being appointed to that Provincial Service. Such officer remains a member of the All-India Service to which he belongs as provided for in rule 22 of the Civil Services (Classification, Control and Appeal) Rules, and nothing in the general or special rules governing the Provincial Service will apply to him.

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9. *Rule 12.*—Seniority in a service or class normally follows the date of first appointment as defined in definition (1) and modified by rule 8 (b); but special provision is made for determining the seniority of a person appointed to the service or class in a higher category. It will be necessary to maintain a seniority or service list of members of each service or class of a service, and the order of members in the list will remain unaffected by delay in completion of probation, special or early promotion to a higher category, and so on. Thus the service list may be entirely different from departmental lists, which, though not necessary, may be maintained on grounds of administrative convenience, and in which members are arranged according to the categories to which they happen to belong at the time.

II

In exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules, the Governor in Council and the Governor acting with Ministers are hereby pleased to make the following rule:—

Rule.

All rules in operation on the 30th September 1933, regulating the method of recruitment, the conditions of service, the pay and allowances and the pensions of any provincial service other than the Madras Boiler Service, the Madras Medical Service (General Branch) and the Madras Medical Service (Special Branch), which were made by the Local Government in exercise of the powers conferred by the Civil Services (Classification, Control and Appeal) Rules or which may be cancelled or modified by them in exercise of such powers, shall be deemed to be special rules for such service within the meaning of clause (28) of the definitions in the general rules.

THE MADRAS POLICE SERVICE.

Rules regulating recruitment, conditions of service, pay, allowances and pension.

In exercise of the powers conferred in rules 3 and 4 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, the Governor in Council hereby makes the following rules to regulate the method of recruitment, conditions of service, pay, allowances and pension of the Madras Police Service hereinafter referred to as "the Service."

"Local Government" shall for the purpose of these rules mean the Governor in Council.

1. *Constitution.*—The Service shall consist of 47 Deputy Superintendents of Police including three Assistant Commissioners of Police in the Madras City Police,

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2. *Recruitment.*—(a) Admission to the Service shall be to the ordinary grade and shall be either by direct recruitment or by promotion from the rank of Inspectors of the Madras Police Subordinate Service or by transfer of members of any other Madras Provincial Service:

Provided that

(i) When a vacancy has been filled by direct recruitment or by transfer of a member of any other Provincial Service, the next two vacancies shall be filled by promotion from the rank of Inspector of the Madras Police Subordinate Service and the next following vacancy shall be filled by direct recruitment or by transfer of a member of any other Provincial Service;

(ii) the proportion of promoted non-Asiatic and Anglo-Indian Inspectors to the other promoted Inspectors in the Service shall be to the nearest unit the same as the proportion of the cadre of non-Asiatic and Anglo-Indian Inspectors to the cadre of other Inspectors in the Madras Police Subordinate Service; and

(iii) not more than 15 per cent of the cadre may be British subjects of non-Asiatic domicile.

(b) The Local Government shall, after consulting the Madras Services Commission, select candidates for admission to the Service:

Provided that this sub-rule shall not apply to the appointment by the Local Government of an Inspector of the Madras Police Subordinate Service to hold temporarily a post included in the cadre of the Service for a period or periods not exceeding three months altogether in the case of each Inspector, but every such appointment together with the reasons therefor shall be reported without delay to the Madras Services Commission and an Inspector so appointed shall not be regarded as a candidate selected for admission to the Service.

(c) When a candidate for selection is or has been in Government service any information affecting his selection which the Local Government or any authority subordinate to the Local Government may have, shall be supplied to the Madras Services Commission on demand.

(d) Every candidate, for selection otherwise than by promotion from the Madras Police Subordinate Service for admission to the Service shall remit a fee of rupees fifteen into a Government treasury or into the Imperial Bank of India, Madras, or one of the branches thereof to the credit of the Government under the head "XXVI. Miscellaneous departments—Examination fees—Fees for examinations—Madras Services Commission" and shall send the treasury or bank receipt therefor with his application.

3. (a) Subject to the provisos to sub-rule (a) of rule 2, selection for admission to the Service by direct recruitment and by transfer from any other Provincial Service shall be so regulated as to secure, as near as may

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be, the distribution of membership of the service among the following communities in the proportion specified against each:—

Non-Brahman Hindus		<i>Five out of twelve.</i>
Brahmans		<i>Two out of twelve.</i>
Muhammadans		<i>Do.</i>
Anglo-Indians, Christians and non-Asiatics of Indian Domicile.		<i>Do.</i>
Other communities including depressed classes.		<i>One out of twelve.</i>

(b) Whenever a candidate has to be selected for admission to the Service either by direct recruitment or by transfer from any other Provincial Service, he shall be selected from that community which at the time of selection is most disadvantageously situated with reference to the proportion specified in sub-rule (a) and if no qualified and suitable candidate of such community is available, from the community next in the order of disadvantage.

If, at any stage, it is found that the disadvantage of two or more communities is equal, the Local Government shall decide from which of such communities the selection shall be made.

4. *Qualifications*.—No person shall be eligible for selection for admission to the Service unless he is

(a) a British subject or

(b) a subject of a State in India who has obtained the permission of the Local Government to apply for selection as a candidate for admission to the Service.

5. (a) No person shall be eligible for selection for admission to the Service by direct recruitment unless—

(i) he has attained the age of 21 and has not attained the age of 23 on the first day of August in the year in which selection for admission is made;

(ii) he is not less than 5 feet 5 inches in height;

(iii) he is not less than 32 inches round the chest on full expiration and the amount of his chest expansion is not less than 2 inches;

(iv) he is of sound health, good physique and active habits and free from any organic defect or bodily infirmity;

(v) he is of good character;

(vi) he is a graduate of any of the Universities mentioned in the annexure to these rules or a Barrister of England or Ireland or a member of the Faculty of Advocates of Scotland; and

(vii) he is, on selection for admission, able to satisfy a Medical Board in Madras as to his physique, fitness and capacity for active outdoor work.

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(b) A candidate selected by transfer from any other Madras Provincial Service shall satisfy the conditions prescribed for officers appointed by direct recruitment in clauses (ii), (iii), (iv), (v) and (vii) of sub-rule (a).

6. *Probation and training.*—(a) A candidate, selected for admission to the Service, shall, from the date on which he joins duty as such, be on probation

(i) if recruited otherwise than by promotion from the Madras Police Subordinate Service for a total period of two years on duty;

(ii) if recruited by promotion from the Madras Police Subordinate Service either for a continuous period of one year on duty or a total period of two years on duty out of a continuous period of three years.

(b) Within the period of probation a candidate recruited otherwise than by promotion from the Madras Police Subordinate Service shall undergo—

(i) a course of training in the Provincial Training School, Vellore, for a minimum period of one year, and

(ii) an examination in each of the following subjects, viz.:—

(1) Law and departmental orders.

(2) Riding.

(3) Two of the following vernacular languages of the Presidency of Madras, one by the lower standard and one by the higher standard, namely, Tamil, Telugu, Malayalam, Kanarese, Hindustani, or with the special permission of the Inspector-General of Police, Oriya:

Provided that if a candidate's mother tongue is one of the above languages or if he has taken one such language for his University degree he shall be required to undergo the higher standard test in one other language only;

Provided further that if a candidate's mother tongue is one of the above languages and he has taken another language for his University degree he shall be required to undergo the higher standard test in a third language only.

(c) A candidate recruited otherwise than by promotion from the Madras Police Subordinate Service shall, on completion of the training prescribed in sub-rule (b), be posted to a district for practical training under a District Superintendent of Police.

(d) There shall be paid to a candidate on probation—

(i) if he is selected for admission by direct recruitment, a pay calculated at the rate of Rs. 250 a month in the first year and thereafter a pay calculated at the rate of Rs. 275 a month; and

(ii) if he is selected for admission otherwise than by direct recruitment, a pay calculated in the scale of pay admissible to a Deputy Superintendent of Police in the ordinary grade.

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7. (a) At any time before the end of the prescribed period of probation, the probation of a selected candidate may be terminated at the discretion of the Local Government and the candidate's services shall then be dispensed with or he shall be reverted to his permanent post as the case may be.

(b) If at the end of the prescribed period of probation—

(i) the Local Government does not consider the selected candidate suitable for appointment to the Service, or

(ii) the selected candidate, if recruited otherwise than by promotion from the Madras Police Subordinate Service, has not successfully undergone the courses of training or has not successfully passed the tests mentioned in sub-rule (b) of rule 6, the Local Government shall, by order, dispense with his services or revert him to his permanent post as the case may be. If no such order is issued by the Local Government within three months after the expiry of the candidate's period of probation under sub-rule (a) of rule 6, the candidate shall be deemed to have completed his period of probation satisfactorily.

8. *Appointment to the Service.*—A probationer who is declared by the Local Government or is deemed under sub-rule (b) of rule 7 to have completed his period of probation satisfactorily shall be appointed by the Local Government to be a member of the Service at the first opportunity and may, if a vacancy in the Service existed, be appointed with retrospective effect:

Provided that subject to the provisos to sub-rule (a) of rule 2 no probationer shall be appointed as a member of the Service before any other probationer who completed his probation satisfactorily at an earlier date.

9. *Seniority.*—(a) Members of the Service whether recruited direct or by transfer from another Madras Provincial Service or by promotion from the Madras Police Subordinate Service shall take rank according to the date on which they are appointed to the Service.

(b) If more than one probationer complete their probation satisfactorily on the same date, the seniority of such probationers shall be determined as follows, namely:—

(i) as between probationers selected for admission otherwise than by promotion from the Madras Police Subordinate Service by the number of marks gained by each in the examination of Law and departmental orders prescribed in sub-rule (b) of rule 6;

(ii) as between probationers selected for admission by promotion from the Madras Police Subordinate Service and probationers selected for admission otherwise, the former shall be considered to be the senior; and

(iii) as between probationers selected for admission by promotion from the Madras Police Subordinate Service as may be decided by the Local Government in each case.

10. *Pay.*—There shall be paid to a Deputy Superintendent of Police

(a) in the selection grade, a pay calculated at the rate of Rs. 800 a month; and

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(b) in the ordinary grade, a pay calculated in the following scale, namely, Rs. 300—20—500—500—efficiency bar—20—600—600—20—700.

Provided that Khan Bahadur Muhammad Kalimullah Sahib Chida Bahadur, M.B.E., and M.R.Ry. Rao Bahadur N. H. Jagadisa Ayyar Avargal, so long as they hold the post of Deputy Superintendent of Police, shall be entitled to draw pay calculated at the rate of Rs. 440 a month rising by annual increments of Rs. 30 each to a maximum of Rs. 800.

11. *Special Pay*.—In addition to the pay specified in rule 10, there shall be paid to a Deputy Superintendent of Police while attached to C.I.D. a special pay calculated at the rate of Rs. 100 a month, and while attached to the office of the Inspector-General of Police or while posted to the charge of Koraput or Bhadrachalam subdivision, a special pay calculated at the rate of Rs. 75 a month.

12. *Grant for uniform, horse and saddlery*.—A candidate selected for admission shall, on selection, be given a free grant of Rs. 400 towards the cost of uniform and of Rs. 600 towards the purchase of horse and saddlery: provided that no candidate who is recruited by promotion from the rank of Inspector of the Madras Police Subordinate Service shall be entitled to these grants until he is appointed as a member of the Service. The grant towards the purchase of horse and saddlery shall not be utilized for the purchase or part-purchase of any other means of conveyance. These grants shall in no case be sanctioned more than once. In the case of a selected candidate's probation being terminated, the Local Government shall decide whether he should refund the grants. If within three years of his appointment to the Service a member resigns or is dismissed or removed from the Service he shall refund such portion of the grants as may be determined by the Local Government.

13. *Promotion*.—Promotion to the selection grade shall be made by the Local Government. Approved service of more than ordinary merit shall be essential for promotion to the selection grade and no member shall be entitled to promotion on the ground of seniority alone.

14. *Transfers and postings*.—Members of the Service, probationers and officers officiating in the Service shall be liable to transfer to any part of the Presidency of Madras for the performance of duties for which the service is constituted.

Postings and repostings to, and transfers to and from, the Madras City Police, of members of the Service, probationers and officers officiating in the service, shall be made by the Local Government. Transfers of such members, probationers and officers from one subdivision to another in the City of Madras shall be made by the Commissioner of Police, Madras.

Postings and repostings of members of the Service, probationers and officers officiating in the Service to subdivisions in the mufassal and their transfer from one such subdivision to another, shall be made by the Inspector-General of Police.

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15. *Resignation.*—No member of the Service and no probationer or officer officiating in the Service shall resign the Service without the previous sanction of the Local Government.

16. *Leave, leave salary, pension and other conditions of service.*—The Fundamental Rules and the Pension Rules issued from time to time under the authority of the Government of Madras shall govern the members of the Service in the matter of leave, leave salary, pension and other conditions of service.

ANNEXURE (referred to in rule 5).

Indian Universities.

The Universities of Allahabad, Bombay, Calcutta, Dacca, Delhi, Lucknow, Madras, Nagpur, Patna, the Punjab and Rangoon.

The Aligarh Muslim University.

The Andhra University.

The Annamalai University.

The Benares Hindu University.

The Mysore University.

The Osmania University.

English and Welsh Universities.

The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Sheffield and Wales.

Scottish Universities.

The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

Irish Universities.

The University of Dublin (Trinity College) and the Queen's University of Belfast.

APPENDIX II.

[Vide answer to question No. 307 asked by Mr. M. Devadasan at the meeting of the Legislative Council, held on the 3rd November 1933, page 405 supra.]

Copy of a memorial from the Adi-Dravida residents of Valliyoor, Nangunery taluk, Tinnevely district, dated 25th June 1933.

That we, the undersigned, most humbly bring to your kind notice the following facts for your sympathetic consideration and prompt and favourable action:—

Recently a panchayat court was ordered to be constituted for the two revenue villages of Vadakku and Thekku Valliyoor. A considerable section of the population of the villages belongs to the class of

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the petitioners. Relying upon the strength of our voting population living in these two villages, we put up two of our men to contest in the election for two seats out of eleven fixed for the panchayat court, the candidates being one Michael and Shanmugam.

2. So far as Michael was concerned, he was not fully qualified inasmuch as he could not read and write though he could sign. As regards Shanmugam, it has to be stated that he was qualified in every respect. He owns land in his own right as well as a member of the joint Hindu family which pays a beriz of Rs. 18-5-0. On the 18th of March 1932 when the election of the members of the panchayat court took place, Shanmugam offered himself as a candidate for one of the seats of the panchayat court. On his behalf a representation was made by his father Esakkimuthu that he was willing to allow his son to contest a seat in the name of his family. The Deputy Tahsildar of Radhapuram, who was the election officer was pleased to record a statement to that effect and accept Shanmugam as a candidate as possessing necessary qualifications. Even as early as December 1931 an application was made by the father of Shanmugam for the transfer of his patta in favour of said Shanmugam. It appears that the Deputy Tahsildar had not passed any order on the said application. No objection was raised to the candidature of Shanmugam in the election meeting held on 18th March 1932, but on account of the commotion made by one Sundaram Ayyar, the election was not pushed through.

3. On 31st March 1932, the election of the panchayat court was held under the same election officer. Mr. Sundaram Ayyar raised objection that Shanmugam had not the necessary property qualification and that the Hindu Law did not apply to him. The Deputy Tahsildar having once accepted Shanmugam as eligible to stand as candidate in the meeting that took place on 18th March 1932, had not the boldness and goodness to overrule the objection. Similar objections were raised against (1) Suba Asari, (2) Rama Subu Tevan, (3) Rajagopal Muppan, (4) Shanmugam Pillai, (5) Velayutha Tevan, (6) Sivasubramania Tevan and (7) Omapathi Sivanu Tevan at the election, but they were all overruled by the election officer and we came away in disappointment not taking part in the election. Of the members mentioned above all were returned except No. 7 Omapathi Sivanu Tevan. In the case of 1 to 4 pattas were sought to be transferred to them from other persons on the eve of the election while they had no property of their own. In the case of No. 5 Velayutha Tevan it is to be said that he was paying a beriz of Rs. 4-4-0 to the Government and that a lease deed was executed on 17th March 1932 by him in favour of one Veeramony Ayyar only for the purpose of rendering him eligible to contest a seat on 18th March 1932. In the case of Subramania Pandiyan who was also a successful candidate, it has to be said that he had no property of his own. He was allowed to stand because of the fact that his father was an influential and rich man of the locality. In the case of the majority of the successful members of the panchayat court, pattas were issued to them on the 13th April 1932 at the time of Jamabandi.

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These new pattas which were issued by the Divisional Officer were produced before the same Divisional Officer on 15th April 1932 when the objection petition was heard.

4. Shanmugam and others presented objection petitions before the Divisional Officer at Shermadevi against the election, but to our great disappointment they were dismissed. The Divisional Officer, Shermadevi, says in his order as against Shanmugam that majority of his family did not authorize him to stand as a candidate under rule 5 of the rules for the election of members. The family of Shanmugam consists of three members including him. The father who was the manager of the family had given his entire consent for Shanmugam to stand. The brother of Shanmugam who is the third member need not give his consent for Shanmugam to stand, because he was in a minority against Shanmugam and his father, and another fact is that he was 16 years old only. So much so that it was unnecessary to secure his consent. So the order of the Sub-Collector passed against Shanmugam is against law and facts.

5. The majority of the members of the panchayat court had no right to stand as candidates and the procedure that was adopted in the election from beginning to end was fraudulent (38 Calcutta, 501 and 508), improper and unjust and the election was a farce and a sham transaction. We the Adi-Dravidas are deeply grieved over the fact that our candidate was not allowed to contest a seat while others who had no right to stand were permitted to stand in the election. The people of Thekku Valliyoor opposed the amalgamation of the two villages under one panchayat court and they neither participated in the election nor returned any member from among them to the said panchayat court.

6. The panchayat court as constituted at present consists of eleven members of whom five are Maravas and the rest being of other high castemen. The panchayat court is often being used in the past as an engine of oppression against us; several false cases both civil and criminal, were foisted upon us and we could not successfully defend ourselves in the court. In the name of law injustice is done to us. Our experience in the past has led us to believe that we cannot expect any justice from the court monopolized by caste prejudice against us.

7. The records will show that the election was held in the most irresponsible and unjust manner and in the interests of justice, equity and good conscience it is absolutely necessary that the election should be set aside the panchayat court dissolved and a fresh election take place. If this cannot be done, we submit that the court should be abolished for ever and the jurisdiction of the place should be transferred to the District Munsif and Sub-Magistrate.

8. We most humbly pray that your honour may be graciously pleased to issue order directing the dissolution of the present panchayat court and the holding of fresh election. We further request that in the alternative the jurisdiction of this place may be transferred to the higher tribunals.

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APPENDIX III.

[Vide answer to question No. 325 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 3rd November 1933, page 420 supra.]

Appendix I.

District.	Touring Veterinary Assistant Surgeons.	District.	Touring Veterinary Assistant Surgeons.
1 Ganjam	5	15 Arcot, North	4
2 Vizagapatam	7	16 Salem	4
3 Godavari, East	6	17 Coimbatore	5
4 Godavari, West	2	18 Nilgiris, the	2
5 Kistna	5	19 Malabar	5
6 Guntur	3	20 South Kanara	3
7 Bellary	4	21 Trichinopoly	3
8 Kurnool	4	22 Tanjore	4
9 Nellore	5	23 Madura	3
10 Cuddapah	3	24 Ramnad	3
11 Chittoor	3	25 Tinnevely	4
12 Anantapur	4		
13 Chingleput	3		
14 South Arcot	3	Total	97

Appendix II.

Headquarters.	Jurisdiction (districts).
1 Vizagapatam	Ganjam and Vizagapatam districts.
2 Rajahmundry	East Godavari and West Godavari districts.
3 Bezwada	Kistna and Guntur districts.
4 Bellary	Bellary and Kurnool districts.
5 Nellore	Nellore and Cuddapah districts.
6 Madanapalle	Chittoor and Anantapur districts.
7 Madras	Chingleput and South Arcot districts.
8 Vellore	North Arcot and Salem districts.
9 Coimbatore	Coimbatore and the Nilgiri districts.
10 Calicut	Malabar and South Kanara districts.
11 Trichinopoly	Trichinopoly and Tanjore districts.
12 Madura	Madura, Ramnad and Tinnevely districts.

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APPENDIX IV.

[Vide answer to question No. 327 asked by Mr. K. Koti Reddi at the meeting of the Legislative Council held on the 3rd November 1933, page 422 supra.]

The Queen Mary's College, Madras—Admissions—1933.

	Number that applied.	Number rejec- ted. (c)
I year class—		
Mathematics, Physics and Chemistry	17	1
Mathematics, Physics and Indian Music	2	..
Natural Science, Physics and Chemistry	45	5
Natural Science, Physics and Indian Music	4	2
Natural Science, Physics and Geography	3	2
Natural Science, Chemistry and Indian Music	1	1
Natural Science, Chemistry and Geography	7	1
Ancient History, Modern History and Geography	6	1
Ancient History, Modern History and Indian Music	4	1
Ancient History, Modern History and Logic	28	3
Total	117 (a)	17
II year class—		
Mathematics, Physics and Chemistry	2	..
III year class—		
Physics (main)	9	1
Chemistry (main)	14	3
History	26	3
Music	2	..
Parts I and II only	1	..
Total	52 (b)	7
IV year class	..	..

(a) Includes five students of the previous year not promoted.

(b) Includes 28 students of the college who passed the Intermediate examination and one student not promoted.

(c) The rejection was due in the majority of cases either to the students having obtained relatively low marks at the previous examination or having failed to supply particulars of their marks to the Principal in time.

[3rd November 1933]

APPENDIX V.

[Vide item IV—Papers laid on the table of the House at page 466 supra.]

G.O. No. 698, Finance, 27th October 1933.

READ—the following paper :—

*G.O. No. 320, Finance, dated 1st May 1933.*ABSTRACT.—Committees—Public Accounts and Finance—
Constitution of—1933–34.*Order—No. 698, Finance, dated 27th October 1933.*

M.R.Ry. Rao Bahadur D. Krishnamurti Nayudu Garu having vacated his seat on the Madras Legislative Council under section 80-B of the Government of India Act, on his acceptance of an appointment as a Commissioner of the Madras Hindu Religious Endowment Board, ceased to be a member of the Public Accounts Committee of the Legislative Council. In his place, His Excellency the Governor is pleased to nominate M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, M.L.C., as a member of the Public Accounts Committee.

(By order of the Governor in Council)

H. M. Hood,
Secretary to Government.

To M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, M.L.C.

,, all other members of the Public Accounts Committee.

,, the Accountant-General.

,, all Secretaries to Government.

,, all Departments of the Secretariat.

,, the Secretary to the Legislative Council (for communication to Members of Legislative Council).

3rd November 1933]

APPENDIX VI.

[Vide item IV—Papers laid on the table of the House—see page 466 supra.]

FINANCE DEPARTMENT.

LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED DURING THE QUARTER ENDING 30TH SEPTEMBER 1933.

PERMANENT.

Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
Public Department— Assistant Secretary, Madras Services Commission.	500—50—800		

TEMPORARY.

Extension of previous sanction.

Public Works Department— Executive Engineers.	625—1,375 ..	Till the end of October 1933.	For charge of the Ramnad division.
Public (Special)— Deputy Secretary, Law and Education Department.	Pay in the senior time-scale of Indian Civil Service <i>plus</i> special pay of Rs. 200.	4th September 1933 to 31st March 1935.	Mr. D. H. Boulton, I.C.S., is holding the appointment.
Law Department— Temporary Assistant Secretary, Law (Drafting).	500—50—800	30th July 1933 to 31st March 1934.	To assist the Under Secretary, Law (Drafting).
Additional Sub-Judge, Tenali.	650	One year	
Additional Sub-Judge, Bezwada.	650	Do.	

Posts newly created.

Local Self-Government Department— Professor of Medical Jurisprudence, Medical College, Madras.	Pay as Civil Surgeon, viz., Rs. 500—50—900 <i>plus</i> Rs. 50 special pay for teaching <i>plus</i> Rs. 50 compensation for loss of private practice <i>plus</i> Madras House Allowance. (For new entrants Rs. 600—75/2—900 <i>plus</i> Madras House Allowance.)	Two years ..	This post is created in the place of (1) part-time Professorship in medical jurisprudence, Medical College, Madras, (2) Assistant to Professor in medical jurisprudence in the Medical College, (3) Lecturer in medical jurisprudence, Rayapuram Medical School, and (4) part-time lecturership in medical jurisprudence in the Lady Wellington Medical School for Women.
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[3rd November 1933]

TEMPORARY—cont.

Posts newly created—cont.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
RS.			
Public Works and Labour Department—			
Temporary Consulting Architect to Government.	700	27th May 1933 to 12th October 1933.	For the charge of C.A. Section of the Chief Engineer's office in place of Mr. Dann on leave.
Executive Engineer.	625—1,375	1st August 1933 to 31st March 1935.	For the charge of Grand Anicut Canal division newly formed. Sanction accorded by the Secretary of State in 1925 is utilized.
Superintendent of Works, Cauvery-Mettur Project (Superintending Engineer's grade).	1,750—2,150	14th July 1933 to 30th September 1934.	For the charge of Cauvery-Mettur Project in place of the Engineer-in-Chief abolished.
Public Department—			
Officer on special duty as an official member of the Orissa Administrative Committee.	Pay at Rs. 2,150 plus £30 overseas pay.	14th August 1933 to 3rd September 1933 and from 29th September 1933 to about 22nd October 1933.	Mr. W. O. Newsam, I.C.S., was appointed to the special duty.
Collector	Pay at Rs. 2,500 plus overseas pay Rs. 300.	27th August 1933 to 1st September 1933.	Mr. P. C. Dutt, I.C.S., was appointed to be on special duty as a nominated member of the Council of State.
Collector	Pay at Rs. 2,500 plus overseas pay £30.	14th August 1933 to 29th September 1933.	Mr. A. R. Cox, I.C.S., was appointed to be on special duty as a nominated member of the Legislative Assembly.
Additional District Judge, East Godavari.	Pay in the regular line.	Six months from 25th August 1933.	M.R.Ry. P. T. Jaganatha Achariyar Avargal held the post from 25th August 1933 to 2nd October 1933 and M.R.Ry. V. Purnayya Pantulu Garu is holding it since 3rd October 1933.
Additional District and Sessions Judge, Madura.	Pay in the regular line.	Three months from 8th September 1933.	M.R.Ry. U. Ramunni Menon Avargal is holding the post.

3rd November 1933]

TEMPORARY—cont.

Posts newly created—cont.

Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks
Law (General) Department—			
Additional Sub-Judge, Guntur.	650	Six months.	
Additional Sub-Judge, Cuddalore.	650	Eight months.	
Additional Sub-Judge, Bapatla.	650	Six months.	
Additional Sub-Judge, Chingleput.	650	Three months.	
Additional District Munsif, Berhampur.	Pay in the I.C.S. cadre.	Six months.	To provide for the Judicial training of Mr. M. C. B. Koman, I.C.S.
Additional Sub-Judge, Anantapur.	650	Six months.	

S. A. VENKATARAMAN,
Deputy Secretary to Government.

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TRUTH ALONE TRIUMPHS



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